

Van D. Fischer, Esquire
626 Josephine Parker Road
Suite 205, Mail Box 7
Key West, Florida 33040
305-849-3893
van@vdf-law.com

Via email

September 5, 2023

Keri O'Brien
City Clerk
City of Key West
1300 White Street
Key West, FL 33040
kobrien@cityofkeywest-fl.gov
clerk@cityofkeywest-fl.gov

Re: Addendum to Legal Brief filed July 14, 2023, and the Notice of Appeal of the Planning Director's June 21, 20223, denial of the Lawful Unit Determination application for 329 Peacon Lane (RE# 00003400-000100).

Dear Ms. O'Brien:

Attached please find a Memorandum dated September 5, 2023, from Thomas Francic-Siburg with Trepanier & Associates, Inc. This Memorandum is an addendum to the Legal Brief submitted July 14, 2023, and the Notice of Appeal filed June 26, 2023. The Memorandum provides a detailed analysis of the various records contained in the LUD application and the Planning Director's denial letter, provides direct responses to the denial letter, and provides an accurate "Property Timeline" for 329 Peacon Lane.

Please add this Memorandum to the existing file for the upcoming Board of Adjustment hearing on September 14, 2023. Thank you for your time and assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Van D. Fischer', with a long, sweeping horizontal line extending to the right.

Van D. Fischer, Esq.

Attachment (1)

MEMORANDUM



Date: September 05, 2023
To: Mr. Van D. Fischer, Esq., VDF Law, PLLC
From: Thomas Francis-Siburg, AICP
CC: Mr. Owen Trepanier, Trepanier & Associates

Re: **329 Peacon Lane – Response to Staff LUD Denial Letter & Timeline**

Summary:

This is a response to the staff denial of the Lawful Unit Determination at 329 Peacon Lane. The staff denial is littered with inaccuracies and was not based on the LUD criteria as laid out in Sec. 108-991(3) and includes an inaccurate historical timeline of 329 Peacon Lane. The intent of this is to respond to the analysis performed by staff.

The subject property had a residential dwelling on or about 2010 as corroborated by 5 pieces of evidence, more than what is required by code Sec. 108-991(3). In fact, the subject property has had a residential dwelling structure on it for over 100 years, along with an independent residential street address as early as 1882. And, since at least 1912, the subject property has been known as "329 Peacon Lane".

In 1933, a concrete-block structure was constructed. Sanborn maps show the original structure was replaced with a concrete garage-like structure.

According to FCAA, by 1945 the concrete garage-like structure was converted into a residence.

The first zoning code, established in 1952, did not establish any regulations or prohibitions regarding the subdivision of lands under 2 acres in size.

The subdivision of 329 Peacon Lane occurred in 1957. This was the first time 329 Peacon Lane was legally described as an independent lot of record, as it is described today. The property was not commonly owned by an owner of any adjacent property in 1957 as well as today. This subdivision predates prohibitions or regulations regarding subdividing lands less than 2 acres in size.

In 1965, the City adopted its subdivision and platting code.

In 1969, the City adopted a new code which replaced the 1952 zoning code and maintained the 1965 subdivision code. With the adoption of the 1969 code, 329 Peacon Lane became a lawfully existing nonconforming lot of record. Further, the code established that such a lot of record,

existing as of the date of the ordinance, was allowed at minimum a single-family home, as-of-right. This established a minimum density of at least 1 dwelling unit per existing nonconforming lots of record. Further, as clarified by the 1974 zoning map depicting the zoning districts of 1969, the property was zoned "Residential Historic Preservation District" (HP-1). And, the zoning code allowed garage apartments by special exception.

At this time, the property became a nonconforming lot of record. It was subdivided / recorded in 1957 and was therefore allowed to have at least a single-family home.

In 1975, the property was purchased by the adjacent property owner 723 Eaton Street, using the same legal description as the original 1957 subdivision.

The next few decades, the legal description of 329 Peacon and 723 Eaton properties took various and unique forms. And, in 1985, the property became zoned HP-1 and then HP-3, which allowed single family uses by right and garage apartments by special exception.

In 1993, the City established a comprehensive plan policy that still exists today to protect historic single family housing units from loss and the character of the historic area.

In conclusion, the property was subdivided as a separate lot of record in 1957. By 1969 it was granted by code the right to at least 1 dwelling unit, having become a nonconforming lot of record. And, historically, the property had at least 1 residential dwelling unit from at least 1882 to 1926 and from 1948 to the present. Therefore, the property has historical density of a residential dwelling unit.

Staff should have recognized the unit either by the LUD application material provided or by the protection policy of the historical residential unit. The property has a dwelling unit that meets the LUD requirements for a dwelling unit.

Lawful Unit Determination:

Sec. 108-991.

(3) Units determined to have been in existence at the time the April 1, 2010, census was prepared are presumed not to be affected by BPAS. The city planner shall review available documents to determine if a body of evidence exists to support the existence of units on or about April 1, 2010. Units existing in 2010 will be documented through a mandatory site visit by city staff and at least two of the following records:

- a. Aerial photographs and original dated photographs showing that the structure existed on or about April 1, 2010;

Staff Comment: Aerial photographs show that the structure existed on or around April 1, 2010. The photos do not indicate whether the structure had been converted into a dwelling unit.

Response: Code requires submission of aerial photos showing the structure existed. Code does not require that the aerial photos indicate the use of the structure. An aerial photo was submitted demonstrating the structure existed on or about April 1, 2010.

- b. Building permits issued prior to April 1, 2010;

Staff Comment: The applicant submitted three building permits that were issued between 2001 and 2005. During that time period, 723 Eaton and 329 Peacon Lane were both part of a single undivided parcel identified by RE# 00003400-000000. The property at 723 Eaton Street contained three recognized dwelling units at that time.

Response: 329 Peacon Lane became lot of record in 1957 through its subdivision from adjacent parcels as part of Warranty Deed Official Record Page 108 Book 426¹. This subdivision predates code prohibition of small (now substandard-sized) lots. Further, at this time, the property owner of 329 Peacon Lane did not own any of the adjacent lots (327 Peacon, 721 Eaton, 723 Eaton); in 1957, 329 Peacon Lane became its own unique lot of record, not under common ownership by adjacent property owners.²

329 Peacon Lane and 723 Eaton Street were individually issued RE Nos. by the Monroe County Property Appraiser, each having their own unique historic property report "Green Card". The Green Card for 329 Peacon Lane was numbered "341"³ and the Green Card for 723 Eaton was numbered "340"⁴. As stated on the MCPA Green Card for 329 Peacon Lane: "7-21-89 Deleted parcel now combined under RE 340 for assessment purposes. L.G." Similarly, as stated on the MCPA Green Card for 723 Eaton: "7-21-89 This parcel now has RE341 assessed under it for assessment purposes. L.G." Further, the 1989 MCPA report for 329 Peacon Lane includes the note "DELETED

¹ Exhibit AI. OR. 108-426.

² See property timeline history below.

³ Exhibit AL. 329 Peacon Green Card.

⁴ Exhibit AM. 723 Eaton Green Card.

PARCEL NOW COMBINED UNDER RE 340 FOR ASSESSMENT PURPOSES 7-20-89 LG”⁵. At this time, the property had a common owner, and the owner chose to have single tax bill for the two properties. The owner did not combine the properties by a unity of title, nor do these notes suggest this was the case.

Staff Comment: Permits 2003-00003588 and 2005-00005126 relate to exterior fencing, which do not provide any information related to the existence of the proposed dwelling unit.

Response: These permits were issued for the address 329 Peacon Lane, not 723 Eaton Street. Similarly, other permits not submitted as part of the application were issued for 723 Eaton Street. The City of Key West issued these 2 permits for 329 Peacon Lane, as a separate address from 723 Eaton Street.

Permit #2003-00003588, issued for 329 Peacon Lane, was issued on 10/09/2003 for “Renovation, Conversion: Residential”, i.e., with residential use of the property.

Permit #2005-00005126, issued for 329 Peacon Lane, was issued on 11/16/2005.

Staff Comment: Permit No 2001-00000409 related to the replacement of a sewer line, but does not indicate which structure the sewer line was associated with.

Response: This permit was issued for the address 329 Peacon Lane, not 723 Eaton Street. Similarly, other permits not submitted as part of this application were issued for 723 Eaton Street. The City of Key West issued this permit for 329 Peacon Lane, as a separate address from 723 Eaton Street.

Permit #2001-00000409, issued for 329 Peacon Lane, was issued on 6/18/2009 to “Replace Sewer Line”, indicating that this property was already connected to the sewer at this time.

Staff Comment: Permit No. 2001-00000409 was provided. The permit notes state: “Replace sewer line pressure test required.”

Response: Correct, permit no. 2001-00000409 was issued for 329 Peacon Lane. The purpose being the application included permits for 329 Peacon Lane, not 723 Eaton.

Staff Comment: Permit No. 2003-00003588 was provided. The permit notes state: “Install gate to back yard to replace exist’g plywood (plain finish) with double panel doors.”

Response: Correct, permit no. 2003-00003588 was issued for 329 Peacon Lane. The purpose being the application included a “Renovation, Conversion: Residential” permits for 329 Peacon Lane, not 723 Eaton.

⁵ Submitted as part of the LUD application as “Exhibit O”.

Staff Comment: Permit No. 2005-00005126 was provided. The permit notes state: “*****Hurricane repairs***** Replace 40 LN FT of 6’ hi [sic] stockade fence at side yard of the property as per HARC#05-11-14-1730 (Cost \$465.00).”

Response: Correct, permit no. 2005-00005126 was issued for 329 Peacon Lane. The purpose being the application included permits for 329 Peacon Lane, not 723 Eaton.

- c. Copies of city directory entries on or about April 1, 2010;

Staff Comment: A 2010 Polk County directory listing was provided that lists William Verge. At that time 329 Peacon Lane was part of the larger undivided parcel that was included 723 Eaton Street (RE# 00003400-000000. [sic] The parcel was owned by William Verge, who was also listed as a resident of 723 Eaton Street. The Planning Department spoke with Mr. Verge, who is a former Planning Board member and former City Commissioner. Mr. Verge stated that he lived in the structure fronting 723 Eaton Street. He stated that the subject structure was not a dwelling unit when he purchased the property in 1989, at any time during his ownership of the property, or when he sold the property in 2017.

Response: The 2010 Polk City Directory⁶ indicates:

1. The building of 329 Peacon Lane was a unique, separately addressed building, and
2. 329 Peacon Lane was a house, as indicated by the black house icon.

- d. Rental, occupancy or lease records from before and including April 1, 2010, indicating the number, type and term of the rental or occupancy;

Staff Comment: None provided.

Response: Incorrect. This code section requests rental, occupancy, or lease records. Submitted as part of the LUD application were a 1912 Sanborn Map and a 1989 survey records, both demonstrating 329 Peacon Lane had residential occupancy at least before April 1, 2010.

- e. Copies of state, county, and city licenses on and about April 1, 2010, indicating the number and types of rental units;

Staff Comment: None provided.

Response: Correct.

- f. Documentation for Keys Energy Service, Florida Keys Aqueduct Authority and other available utilities indicating the type of service (residential or commercial) provided and the number of meters on or about April 1, 2010;

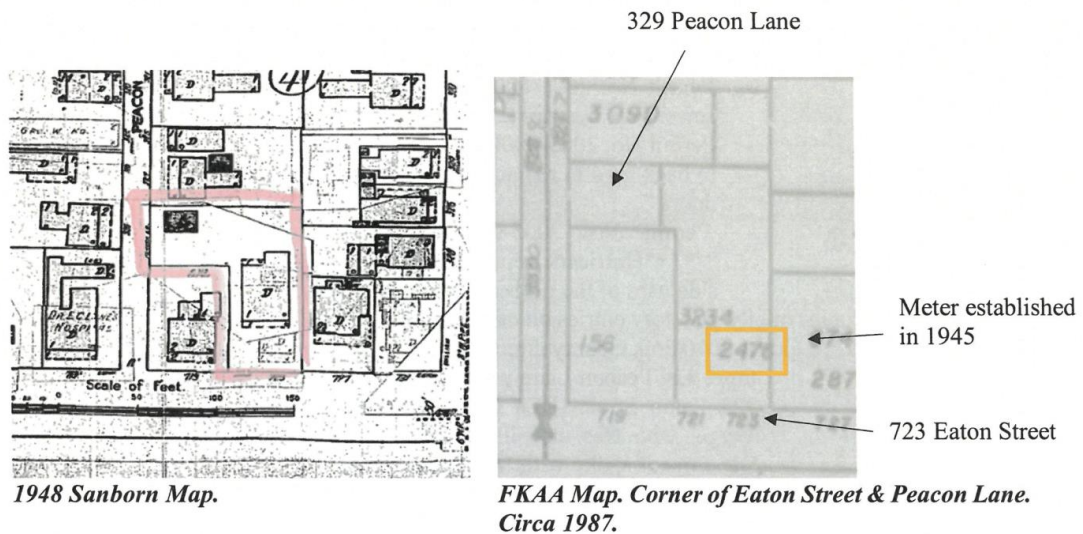
Staff Comment: The applicant provided email correspondence with FKAA that stated that as of July 2020, there had been one continuous water meter at 329 Peacon Lane

⁶ Submitted as part of the LUD application as “Exhibit F”.

starting in 1945. Sanborn maps show that 329 Peacon Lane and 723 Eaton comprised a single parcel in 1948, ...

Response: Staff appear to inaccurately read the 1948 Sanborn map to establish the number of parcels existing. As seen the property timeline below, the 1948 Sanborn map does not accurately depict the ownership of the lands in question. At this time, 329 Peacon Lane made up a larger parcel, but was a separate parcel from 723 Eaton Street. Nor does the Sanborn map determine the water metering of the parcels.

Staff Comment: ... which suggests that the water meter that was opened in 1945 was also associated with 723 Eaton Street. This was confirmed by obtaining the meter number of the meter established in 1945 (Attachment D). The water meter documentation that was provided by the applicant relates to Meter #2476. Meter #2476 is identified in the circa 1987 FKA map, pictured below. The map shows that Meter #2476 is associated with 723 Eaton Street, and that no meters were associated with 329 Peacon Lane:



Response: No "Attachment D" was part of the City Letter. On the "Exhibit E" record provided by the staff as part of the City Letter, water meter #2476 was associated with 723 Eaton Street, not 329 Peacon Lane, and was part of a new service order provided on 01/26/1987, not 1945. This record staff used as justification against 329 Peacon appears to be factually inaccurate, making no reference to 329 Peacon Lane.

The record submitted as part of the LUD application came directly from FKA, establishing that the address 329 Peacon Lane has had continuous residential water utility service since 1945⁷.

Staff Comment: The applicant provided documentation from Keys Energy Services (KEYS) that indicated there has been continuous electrical service at 723 Eaton (Front) since 2001. The "Front" unit located at 723 Eaton Street is a lawfully recognized unit and is not the subject of this lawful unit determination.

⁷ Submitted as part of the LUD application as "Exhibit P".

Response: Correct.

- g. Documentation for the Monroe County Property Appraiser's Office for the time on or about April 1, 2010, (Green Card); and

Staff Comment: A 2009 Monroe County Property Appraiser (MCPA) property card was provided. It indicates that the concrete block structure was built in 1933.

Response: Correct. Additionally, as submitted as part of the LUD application, this same 2009-2010 MCPA report⁸ depicts the properties of 329 Peacon Lane and 723 Eaton Street, again, assessed on 1 tax bill, had at least 4 residential units.

Staff Comment: A property card was also provided from 2022, which is past the dispositive date of April 2010.

Response: Incorrect. The 2022 MCPA report card was submitted to demonstrate that before and after 2010 there was a residential unit recognized by the property appraiser.

Further, the A copy of the 1989 MCPA⁹ report card for 329 Peacon Lane was submitted as part of the LUD application. Again, it includes a notes "Deleted parcel now combined under RE 340 for assessment purposes 7-20-89 LG". 329 Peacon Lane was formerly known by the RE# 341 (or 00003410-000000) and 723 Eaton Street was formerly known by the RE# 340 (or 00003400-000000). The two properties were assessed for tax purposes together. No unity of title was ever established unifying the two properties.

- h. Similar documentation as listed above.

Staff Comment: The applicant provided a 1926 Sanborn Map indicating a dwelling unit at that location. However, records indicate the subject structure was not constructed until 1933. This document does not substantiate that a dwelling unit existed in the subject structure on or around April 1, 2010.

Response: Incorrect. Sanborn Fire Insurance maps show that from at least 1882 through at least 1926 329 Peacon Lane had a residential dwelling unit. The 1948 Sanborn map is illegible to make out what type of structure was located at 329 Peacon Lane.

The MCPA reports and HARC Survey identify the existing unit at 329 Peacon Lane to have been constructed in 1933.

Staff Comment: The applicant provided a 1989 survey, which noted the subject structure as "1 STY FR. & CBS Cottage." The other structure on the survey, which contains three recognized dwelling units, was noted as "2 ½ STY. FRAME RESIDENCE."

⁸ Submitted as part of the LUD application as "Exhibit K".

⁹ Submitted as part of the LUD application as "Exhibit O".

This document does not substantiate that a dwelling unit existed in the subject structure on or around April 1, 2010.

Response: The surveyor of the 1989 survey indicates the building of 329 Peacon Lane is a “cottage”, i.e., a residentially-used structure.

Provision of affidavits to support the existence of a unit is allowed, but cannot be the sole record upon which a decision is based. Provision of documents is the responsibility of the applicant. The city planner's decision shall be rendered to the department of economic opportunity for a determination of consistency with the principals for guiding development.

Units which are determined not to be affected by the building permit allocation system per this subsection but which have not been previously acknowledged by the city planner are presumed to be lawfully established per [chapter 122](#), article II, nonconformities, if the additional following requirements are met:

- a. The applicant satisfies the building department that the unit meets the Florida Building Code, through as-built certifications or other means acceptable to the building official; and
- b. Fees: All back fee payments shall be paid current and in full, from the date determined to be the established date of the unit. All impact fees shall be paid in full for units determined to have been established after the implementation of the Impact Fee Ordinance (January 1, 1985).
- c. Occupational license with the city is updated, and street addresses are assigned commensurate with the updated unit count.
- d. Applications received after May 2, 2017, must demonstrate that the unit sought to be established hereunder is or has been a legally permissible under the current or any former zoning requirements of the applicable district in which the unit is located.

Staff Comment: The applicant has not demonstrated that the unit sought to be established is or has been legally permissible under the current or any former zoning requirements of the applicable district. Since at least 1969, the minimum lot size for the zoning district in which the subject property is located has been at least 4,000 square-feet. Since at least 1969, City zoning regulations have prohibited the reduction of a parcel to an area below the minimum are requirement for the property’s zoning district. Since at least 1969, City zoning regulations have included the provision that “No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in conformity” with zoning ordinance (1969-1997) or Land Development Regulations (1997-present day).

Response: The applicant provided the following to demonstrate the residential unit at 329 Peacon Lane had been legally permissible:

1. The property is in the historic district and the comprehensive plan, policy 1-1.10.3, protects residential density of all historic sites within the city's historic district.
2. The previous zoning, HP-3, allowed single-family detached residential units and at that time code stipulated that where existing density exceeds that permitted by code, the existing density would be used to calculate development potential.

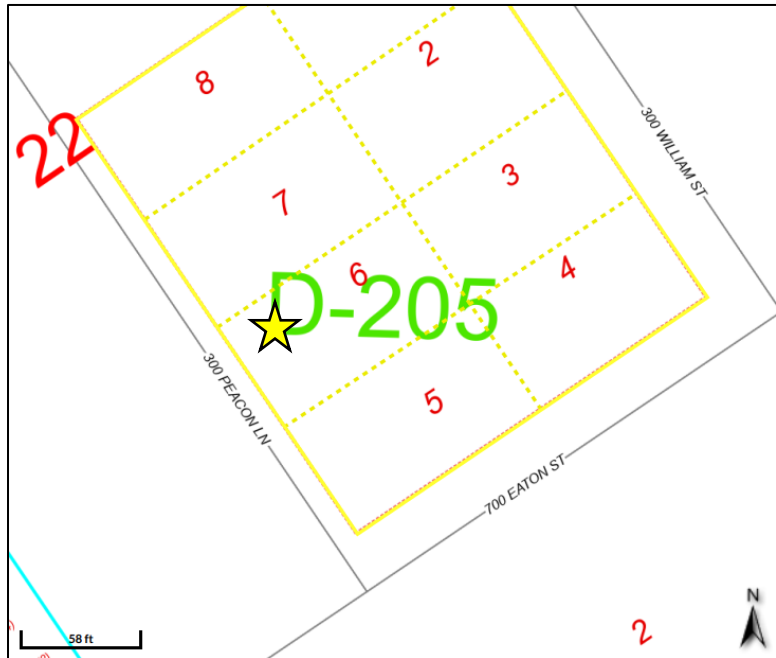
Property Timeline Analysis:

The following analysis is a response to staff timeline analysis.

June 17, 1846

On 6/17/1846, Official Record Book D Page 205¹⁰ recorded a platted subdivision of the block, creating lots 1-8.

The “star” indicates the location of the subject property.



February 23, 1847

On 2/23/1847, Warranty Deed Official Record Book E Page 779¹¹ transferred ownership of nearly half of the newly subdivided lands using a new legal description, not using the legal descriptions from the Plat D-205. The property was sold from: Philip Sawyer, and bought by: Richard Bartlum.

329 Peacon was part of a larger corner lot.

Subsequently, in 1857¹², the property transferred ownership to James R. Curry, but remained in this configuration by deed until 6/21/1883.



¹⁰ Exhibit AA. OR D-205.

¹¹ Exhibit AB. OR E-779.

¹² Exhibit AC. OR F-52.

In 1882, Peacon Lane was known as "Gruntbone Lane". The Sanborn Fire Insurance map indicates the property now known as "329 Peacon" was formerly "82 Gruntbone". The "D" on the building indicates this was a residential dwelling.

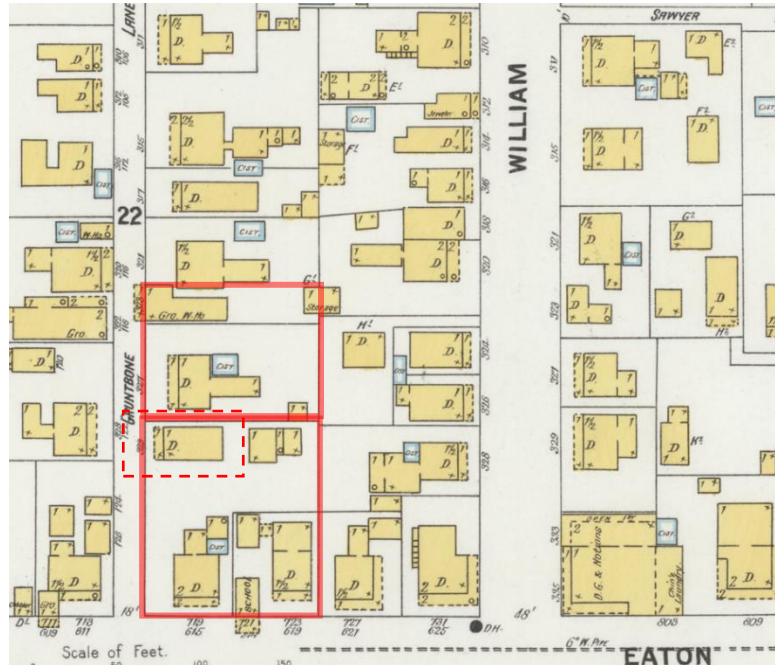
The map shows a section of land with various lots and buildings. A large area is outlined in red, and a smaller area within it is outlined in dashed red. The map includes numerous handwritten annotations, including lot numbers, names, and measurements. A large '22' is written in the center. The map is divided into several sections by lines, and the overall layout suggests a survey of land for settlement or development.

On 6/21/1883, Warranty Deed Official Record Book L Page 295¹³ transferred ownership of the "purple" land using a new legal description similar to that of lots 5 & 6 of subdivision D-205. The "purple" land was purchased by Marian J. Albury. James R. Curry maintained ownership of the "blue" land.

¹³ Exhibit AD. OR L-295-296.

1899 Sanborn Fire Insurance Map

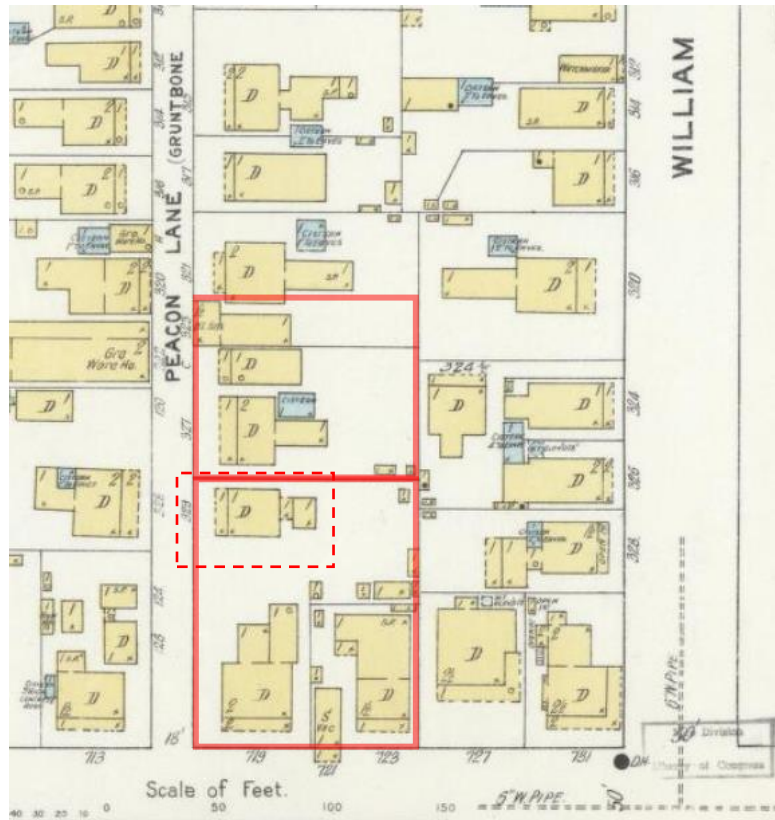
By 1899, the address of the property changed to "329 Gruntbone" and was still recognized by the Sanborn Fire Insurance map as being a residential dwelling ("D").



1912 Sanborn Fire Insurance Map

By 1912, the name of the lane changed from "Gruntbone Lane" to "Peacon Lane". From at least this time forward, the property has been known as "329 Peacon Lane". The 1912 Sanborn Fire Insurance map indicates "329 Peacon Lane" was still a residential dwelling ("D").

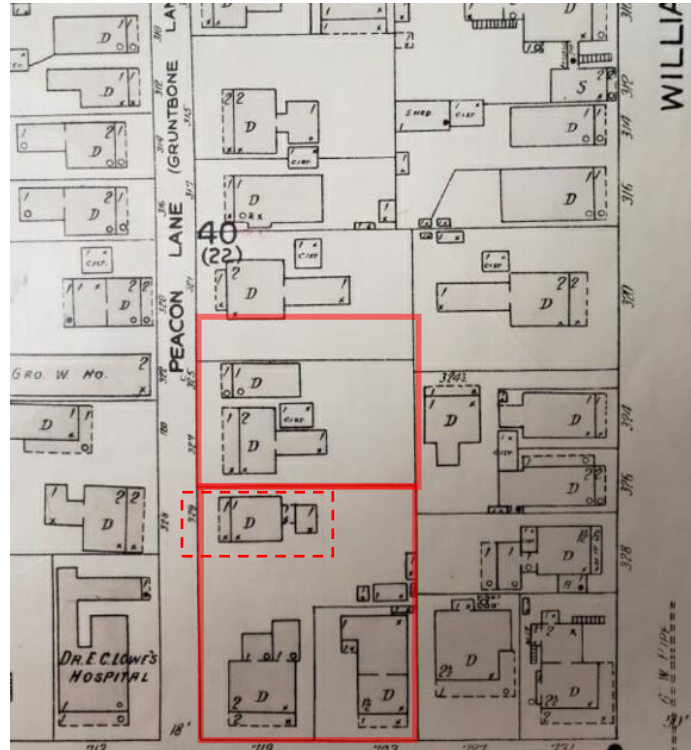
The solid red outlines indicate the land ownership as depicted by deed.



1926 Sanborn Fire Insurance Map

Again, the 1926 Sanborn Fire Insurance map indicates 329 Peacon Lane was a residential dwelling ("D").

The solid red outlines indicate the land ownership as depicted by deed.



1933 New Building Built

HARC Survey indicates existing concrete block building structure was built circa 1933¹⁴.

Oral History from David Freeman

David Freeman grew up right across the street, and was alive during this time, although very young, he and his family have maintained records of the block for their personal use.

Prior to the concrete block structure being built in 1933 at 329 Peacon Lane, the residence building of 723 Eaton Street had burned down.

The former residence building of 329 Peacon Lane, as depicted in the historical Sanborn maps from 1882-1926, was moved to replace the destroyed residential building of 723 Eaton Street.

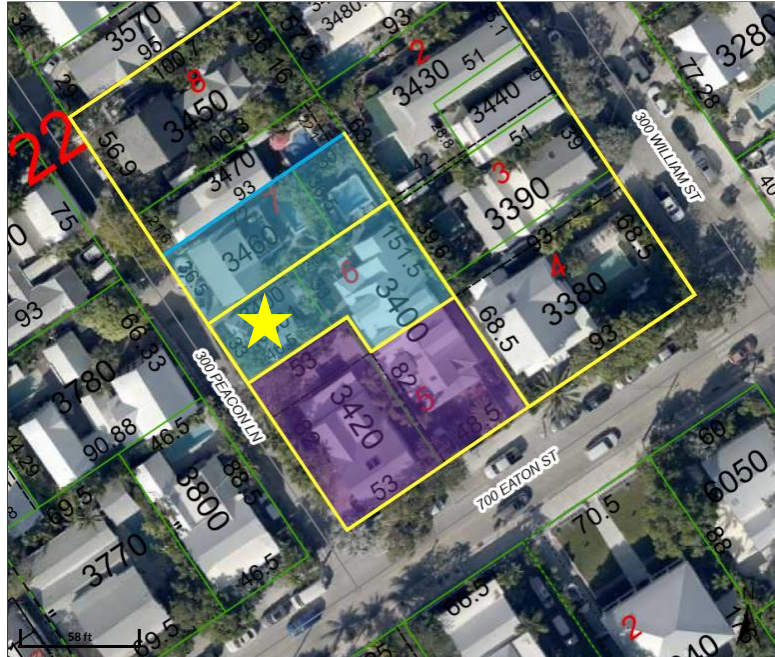
In its place at 329 Peacon Lane, was built a concrete block structure, likely a "garage" structure.

Further, in fact the 1946 Sanborn Map includes an insert overlaid on the page depicting this moved building to 723 Eaton Street and new building at 329 Peacon Lane.

¹⁴ Exhibit AE. HARC Survey.

November 29, 1937

On 11/29/1937, Warranty Deed Official Record Book G7 Page 17¹⁵ transferred ownership of the "blue" portion of lot 6 using a new legal description, subdividing this portion of the corner lot into 2 lots of record. No other changes to lot configuration occurred by deed. The property was sold by Marian Fleitas ("Albury") to buyer Allen E. Curry. Available deed records indicate members of the Curry family owned the "blue" lands at this time and the members of the Albury family owned the "purple" lands.



329 Peacon Lane was part of the new subdivided property.

The lands remained in this configuration until 1943.

Due to how the properties were transferred and carved, it is possible that the Albury and Curry surnames were part of the same family.

June 03, 1943

On 6/03/1943, Warranty Deed Official Record Book G12 Page 352¹⁶ transferred ownership of part of the corner, subdividing 721 Eaton ("green") from the rest of the property. The property was sold by: Fannie & J.D. Redd, and bought by McKinley E. Bennett. No other changes of lot configuration occurred by deed. The Curry family maintained ownership of the "blue" lands and the Albury family maintained ownership of the "purple" lands.



¹⁵ Exhibit AF. OR G7-17.

¹⁶ Exhibit AG. OR G12-352.

January 23, 1945

FCAA establishes that 329 Peacon has had 1 continuous residential water meter service since 1/23/1945.¹⁷

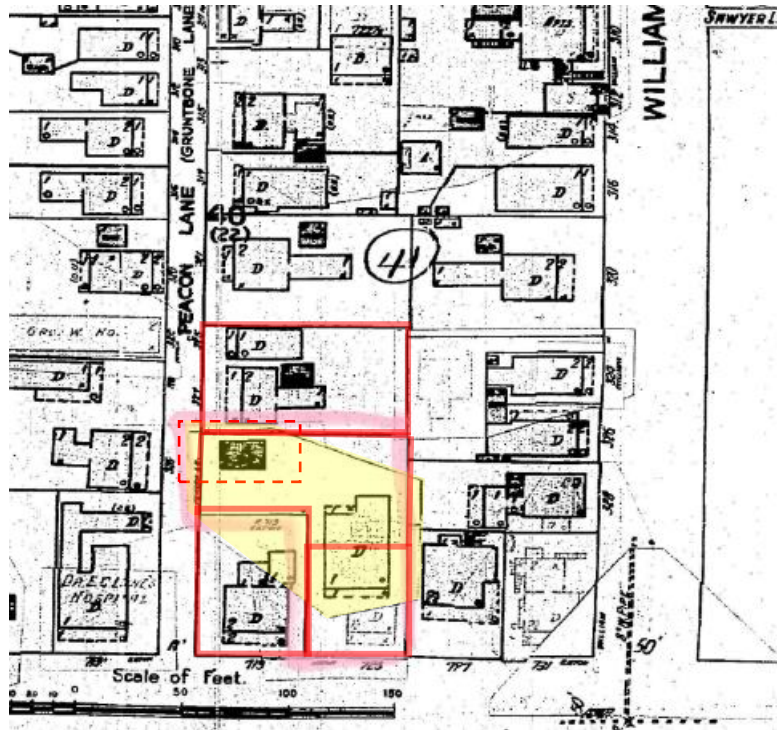
The concrete block structure was converted to a residence; likely a “garage apartment”.

1948 Sanborn Fire Insurance Map

The 1948 Sanborn Fire Insurance map identifies a very different shaped structure, that is illegible to determine what its use was for the property known as 329 Peacon Lane. However, it likely reads an “A”, indicating an automobile garage.

The solid red outlines indicate the land ownership as depicted by deed.

Clarified by the oral history provided by **David Freeman**, the 1948 Sanborn Map includes an overlaid insert. For ease of reference the overlaid insert is highlighted in yellow. This supports the oral history as recounted by David Freeman that the former house of 329 Peacon Lane was moved to 723 Eaton and in its place was built a concrete block structure. And the former house of 723 Eaton is partially visible, but appears faded, as though it were partially erased from the map.



1952 Code

City of Key West adopts Chapter 32. “Zoning”, known as “1952 Code”¹⁸. This adopted zoning district regulations. Although requested, the Clerk was unable to provide a zoning map in effect during this time.

Regarding subdivisions, the 1952 Code only established regulations related to subdividing lands greater than 2 acres in size, it did not prohibit subdivisions of lots less than 2 acres in size. It did, however, require setback yards be developed from the property line.

¹⁷ Submitted as part of the LUD application as “Exhibit I”.

¹⁸ Exhibit AH. 1952 Code. Zoning. Article I.

Sec. 32-1. Definitions.

Lot, area. A parcel of land occupying, or designed to be occupied, by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may be or may not be the land shown as a lot on a duly recorded plat.

Nonconforming use. A nonconforming use is a use which does not comply with the regulations of the district use in which it is situated.

Sec. 32-16. Subdivision development plan.

The owner of any subdivided or undeveloped land **not less than three acres in area or of subdivided areas of not less than two acres under their control**, shall submit to the planning commission of the city a development plan or subdivision plat for preliminary approval by said commission. Such development plant or subdivision plat shall show the following:

...

It shall be the duty of such planning commission to carefully examine said development plan or subdivision plat as regards its nature and purpose; the principal width, character and location of such streets and alleys and such subdivisions, and size, material, manner of laying water mains, storm and sanitary sewer lines, and then transmit such development plan or subdivision plat, with all plans and data, to the city commission with its recommendations thereon in writing, and the city commission, with the assistance of the city manager and the city attorney, shall also carefully examine said development plan or subdivision plat to determine if same meets the requirements set forth in this section before approving same by resolution, and the city clerk of the city shall cause to be delivered all development plans or subdivision plats so approved to the proper county officials for recording in the public records of Monroe County, Florida.

Sec. 32-19. Existing buildings and uses.

Nothing in this chapter shall effect the existing use of any building, lot or premises, or the height or yards of any building as such now exist.

Sec. 32-20. Reduction of lot area.

No lot area shall be so reduced that the dimensions of the yards or open spaces shall be smaller than herein prescribed.

Sec. 32-21. Nonconforming uses.

The lawful use of a building or premises existing on the effective date of this chapter, or authorized by a building permit issued 90 days prior thereto, **may be continued**, although such use does not conform with the provisions of this chapter, and such use may hereafter be extended or moved to any part of a plant which was arranged or designed for such use prior to such effective date. A **nonconforming use may be changed to a use of the same or higher classification** according to the provisions of this chapter. Whenever a district shall hereafter be changed, any then existing **nonconforming use may be continued or changed, to a use of a similar or higher classification or to a conforming use, such use shall not thereafter be changed to a use of a lower classification** except as hereinbefore provided.

Sec. 32-22. Restoration of existing buildings.

Nothing in this chapter shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy or prevent the continuance of the use of such building, or part thereof, as such use existed at the time of such destruction of such building or part thereof.

Sec. 32-28. Enforcement of chapter; application for and issuance of building permits.

It shall be the duty of the building official, and he is hereby given the power and authority, to enforce the provisions of this chapter. The building official shall require that the application for a building permit and the accompanying plot plan shall contain all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of this chapter. No building permit shall be issued until the building inspector has certified that the proposed building or alterations comply with the provisions of this chapter. In the event bona fide construction or bona fide alterations are not commenced under any building permit issued under the terms of this chapter within thirty days from the date of such permit, such building permit shall thereupon become automatically void and shall stand forthwith cancelled. It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor.

September 17, 1957

On 9/17/1957, Warranty Deed Official Record Book 108 Page 426¹⁹ transferred ownership using three new legal descriptions to sell the “orange” lands (i.e., 723 Eaton), these new legal descriptions are depicted by the yellow-dashed lines overlaid on the “orange” lands. The property was sold from Allen E. and Louise R. Curry to buyer William W. and Mary H. White. The three legal descriptions of 723 Eaton were on the same deed.

As part of this deed, a new legal description for the “blue” land (329 Peacon) was written, subdividing 329 Peacon as an *exclusion* from the property being sold. The “blue” land remained under the ownership of Allen E. and Louise R. Curry.



Additionally, by this time, on 6/30/1955²⁰, the “purple” portion of lot 7 was transferred to Harry J. & Ruby M. Metzger.

The Curry family maintained exclusive ownership of 329 Peacon (“blue”) and no longer owned any other adjacent properties. This means that the Curry family no longer owned any adjacent lots of record, only owning the “blue” 329 Peacon Lane lot of record.

1965 Code

City of Key West adopted ordinance 065-1²¹ which repealed sections 16 & 17 of chapter 32 of the 1952 code and established Section 33 regarding subdivision regulations for all lands.

Sec. 33-2. Definitions.

- (a) Plat. A map, drawing or chart on which the subdivider's plan of the subdivision is presented, and which he submits for approval and intends in final form to record.
- (b) Subdivision. For the purposes of these regulations a subdivision of land is either:
 - (1) The division of land into two or more lots, sites or parcels of two acres or less in area;
 - (2) Establishment or dedication of a road, highway, street or alley through a tract of land regardless of area; or
 - (3) Re-subdivision of land heretofore divided or platted into lots, sites or parcels; provided, however, the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land.
- (c) Lot. A parcel of land occupied or intended for occupancy and having its principal frontage upon an officially approved street.

¹⁹ Exhibit AI. OR 108-426.

²⁰ Exhibit AJ. OR 38-431.

²¹ Exhibit AK. Ordinance 065-1. Select pages.

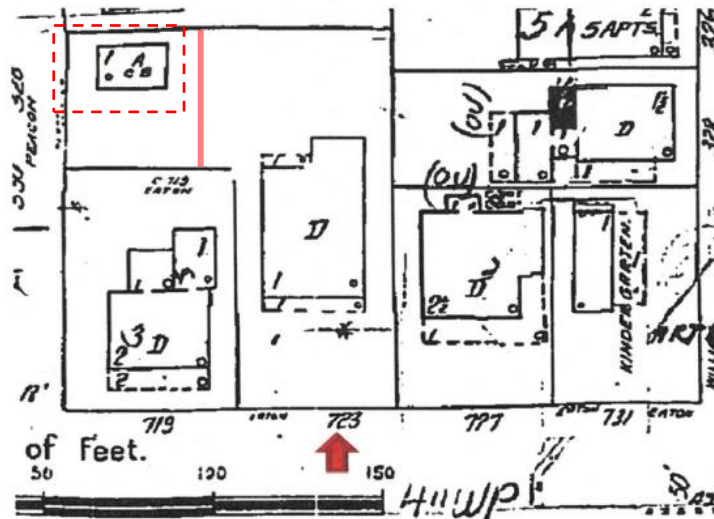
33-11. Violation and penalty.

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable as provided by Section 1-7 of this Code, and each day during which such violation shall continue shall constitute a separate violation.

1962 Sanborn Fire Insurance Map

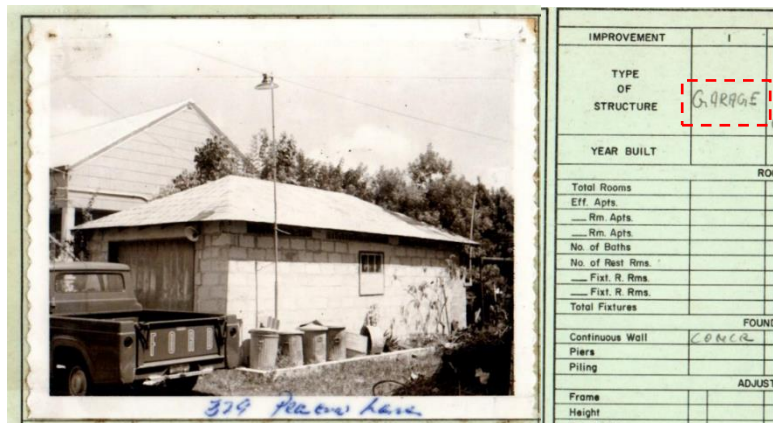
In 1962, 329 Peacon Lane was considered by the Sanborn Fire Insurance map to be a structure devoted to an automobile, such as a garage.

The solid red outline indicates the approximate property line by deed.



1966 MCPA Property Green Card

According to the 1966 MCPA Green Card²², 329 Peacon Lane was a garage.



1969 Code

City of Key West adopts Ordinance 69-29²³ which repealed Article I of Chapter 32 of the zoning regulations and adopts a new zoning regulations. The subdivision and platting ordinance is still in effect.

Sec. XXIV. Definitions

20. Lot – For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved street, or on an approved private street, and may consist of:

- A single lot of record;

²² Exhibit AL. 329 Peacon Lane Green Card.

²³ Exhibit AN. Ord. 69-29. Select pages.

- b. A portion of a lot of record;
 - c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record
 - d. A parcel of land described by metes and bounds;
- provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

24. Lot of Record - A lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat prior to the effective date of this ordinance.

28. Non-Conformity - Any lot, use of land, use of structure, use of structure and premises or characteristics of any use which was lawful at the time of enactment of this ordinance but which does not conform with the provisions of the district in which it is located.

Sec. VI. 3. Non-Conforming Lots of Record - In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements of area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area width, and yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements in this ordinance.

Sec. VI. 6. Non-Conforming Uses of Structures or of Structures and Premises in Combination - If a lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

Sec. VI. 8. Uses Under Exception Provisions Not Non-Conforming Uses - Any use for which a special exception is permitted as provided in this ordinance (other than a change through Board of Adjustment action from a non-conforming- use to another use not generally permitted in the district) shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

Sec. VII. 7. HP-1 Residential Historic Preservation District.

Principal uses and structures:

1. Single family dwellings. ...

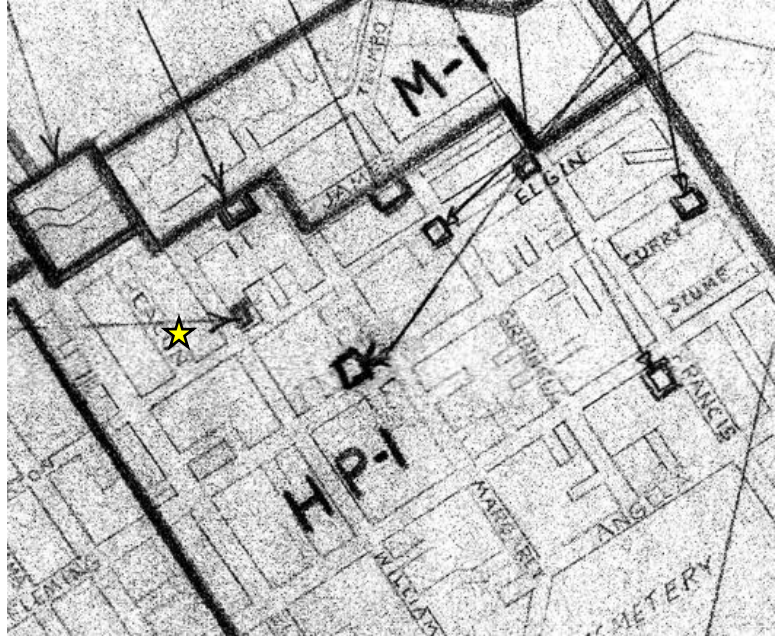
Special exceptions permissible by board of adjustment.

4. Garage apartments.

1974 Zoning Map

City adopts zoning map. (Oldest zoning map available.)

Property is in “HP-1” district. (Residential Historic Preservation District)



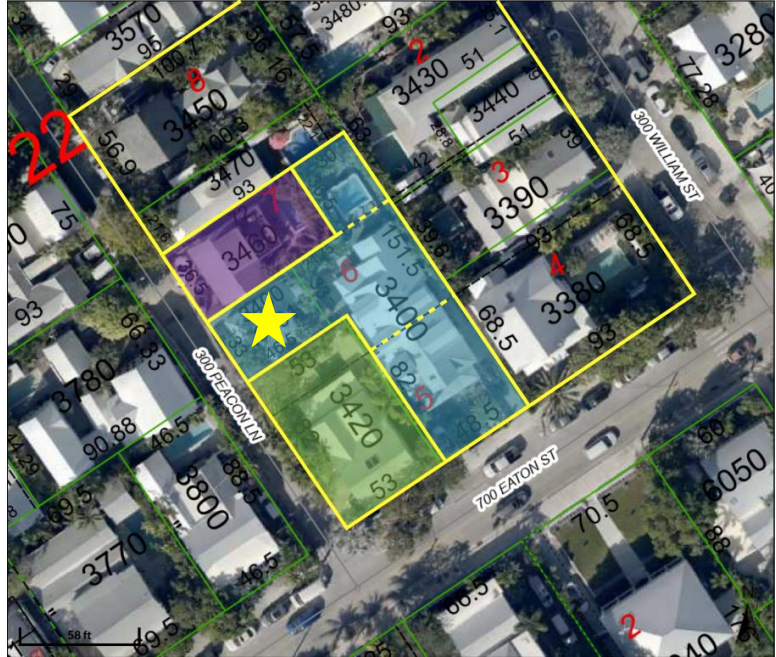
June 18, 1975

On 6/18/1975, Warranty Deed Official Record Book 617 Page 318²⁴ transferred ownership of 329 Peacon Lane, using the 1957 subdivided lot of record legal description. 329 Peacon Lane was sold by Allen E. Curry to William W. and Mary H. White, who owned adjacent 723 Eaton Street. No other changes were made to the lot configuration. The White family owned the “blue” lands until 1983.



²⁴ Exhibit AO. OR 617-318.

The middle portion including the back half of 723 Eaton and 329 Peacon used the legal description as written in 1943.



On 11/08/1984, Quitclaim Deed Official Records from Book 928 Page 436²⁶ & Book 928 Page 440²⁷ subdivided the land of 723 Eaton into 2 new parcels, writing 2 new legal descriptions for the land of 723 Eaton. The land of 329 Peacon was excluded from these deeds. 329 Peacon and the 2 parcels of 723 Eaton were all owned by Albert J. Osterman.

The property remained in this configuration until 1989.



²⁵ Exhibit AP. OR 897-1066.

²⁶ Exhibit AQ. OR 928-436.

²⁷ Exhibit AR. OR 928-440.

1985 Code and Zoning Map

City of Key West adopts Ord. 85-23²⁸ establishing HP-3 (Light Commercial Historic Preservation District) zoning district and Ord. 85-26²⁹ new zoning map.

The property is rezoned HP-3.

(8A) HP-3 Light Commercial Historic Preservation District.

Principal uses and structures:

1. Single family dwellings. ...

Accessory uses and structures:

1. Noncommercial piers, bathhouses, and loading places intended solely for the use of the adjoining residences.
2. Noncommercial nurseries and greenhouses.

Customary accessory uses of a residential nature, clearly incidental and subordinate to the principal use, garages, carports, and the like, in keeping with the residential character of the district.

1. Home occupations subject to the provisions of Section X.

Special exception permissible by the board of adjustment. Same as for HP-1 and in addition:

1. Garage apartments.
2. Guest houses.

1986 Code

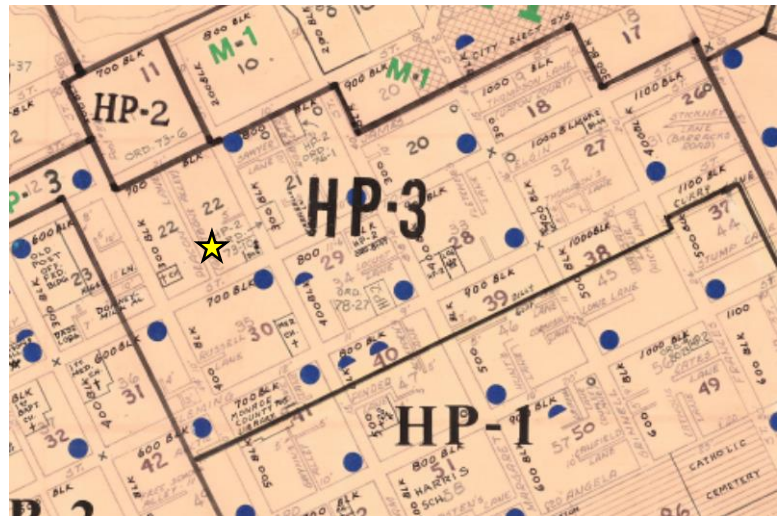
The City of Key West adopted Ordinance 86-15³⁰ which established density limitations of properties for 2-family and multi-family (not single-family) uses.

Sec. XXIV (8A) (f)

Two-family and Multiple-family structures shall not exceed 16 dwelling units per acre density.

1969 Code still in effect:

Sec. VI. 3. Non-Conforming Lots of Record - In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.



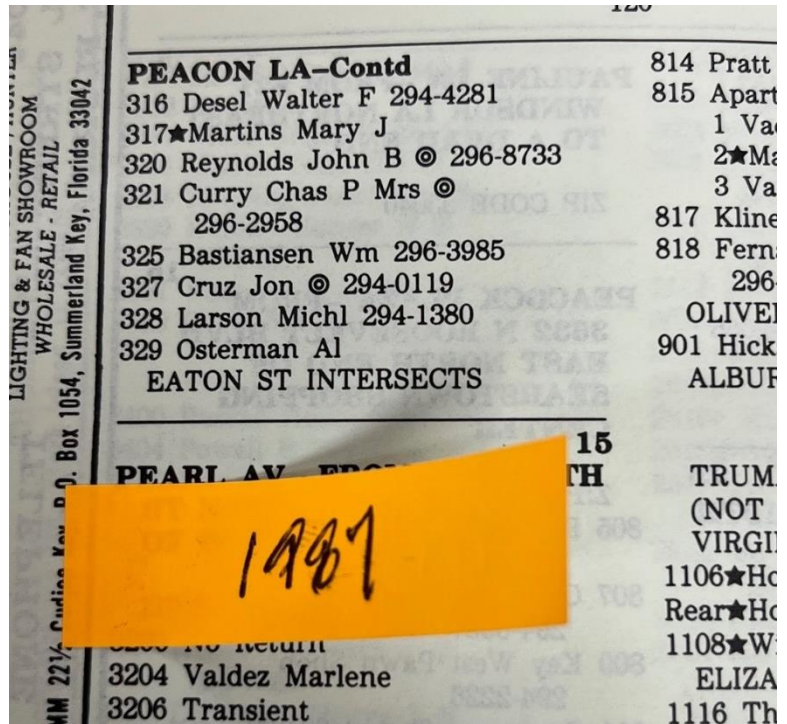
²⁸ Exhibit AS. Ord. 85-23.

²⁹ Exhibit AT. Ord. 85-26.

³⁰ Exhibit AU. Ord. 86-15. Select pages.

1987 Polk City Phone Directory

Al Osterman is listed at 329 Peacon Lane.



June 13, 1989

On 6/13/1989, Warranty Deed Official Record Book 1095 Page 2435³¹ wrote an entirely new legal description for the entire "blue" land as a single legal description. The property was sold by Albert J. Osterman and bought by William G. Verge and James R. Seitz.

The property remained in this configuration until 1997.



July 20, 1989

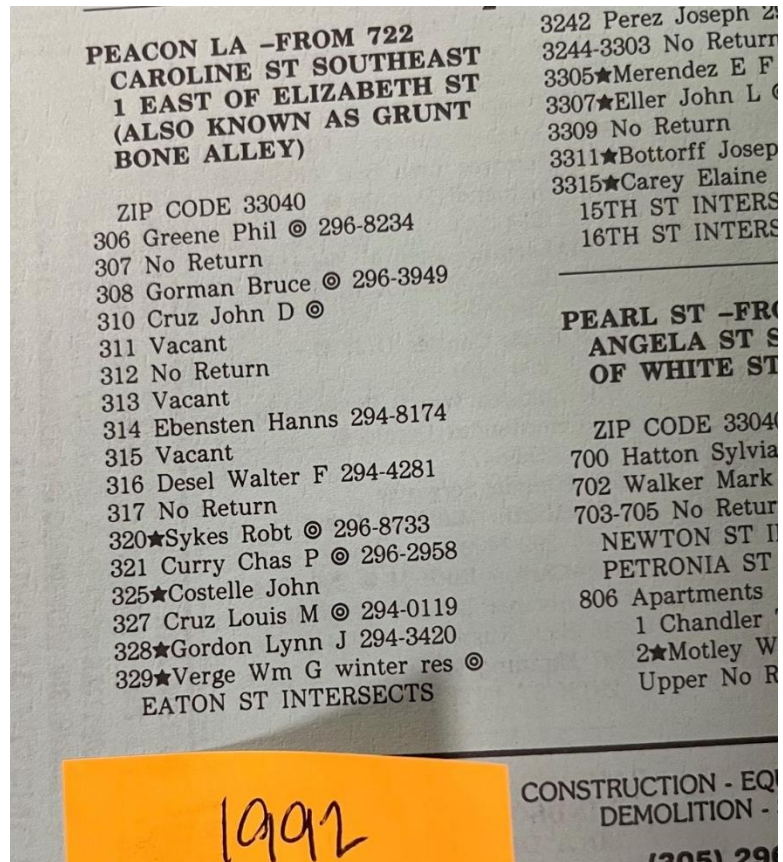
MCPA notes that the RE# for 329 Peacon Lane was deleted and combined under the RE# for 723 Eaton Street for assessment purposes.³²

³¹ Exhibit AV. OR 1095-2435.

³² Submitted as part of the LUD application as "Exhibit O".

1992 Polk City Phone Directory

329 Peacon Lane is listed as a "winter residence" of William G. Verge.



1993 City Comprehensive Plan

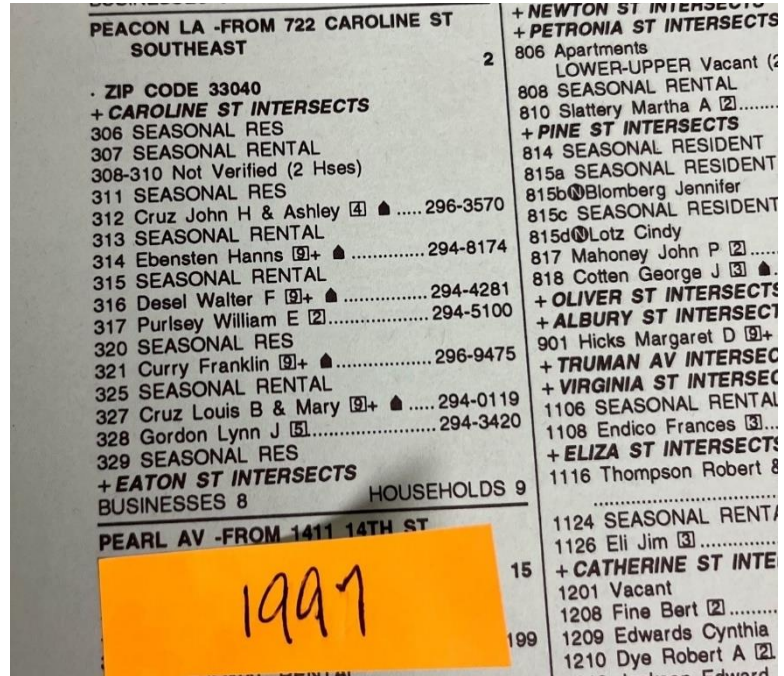
City of Key West adopted Ordinance 93-96, adopting a new Comprehensive Plan³³.

Policy 1-2.3.9: Retention of Historic Character and All Permanent Single Family Housing Units. The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect all the City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal single family lot of record. Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent single family units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent single family housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.

³³ Exhibit AY. 1993 Comprehensive Plan. Select pages.

1997 Polk City Phone Directory

329 Peacon Lane is listed as a "Seasonal Residence".



April 25, 1997

On April 25, 1997, Quitclaim Deed Official Record Book 1453 Page 2409³⁴ transferred a 2-ft wide parcel of land from 721 Eaton to 723 Eaton. This was done using a new legal description for this 2-ft wide parcel of land. The property was sold by Annielaura M. Jagers to buyer William G. Verge.

The land remained in this configuration and legal descriptions through subsequent ownership by FYF, LLC, until 1/02/2020.



³⁴ Exhibit AW. OR 1453-2409.

2000 Polk City Directory

329 Peacon Lane was listed as being a "house", as identified by the black house icon, and had the following names associated with the property:

John J. Howard ("new" to address)

James R. Seitz (7 years with address)

William G. Verge (4 years with address)

292-2841	296-0585	3348 Not Verified
294-3435	3350 40 Henriquez Michael J	40 Henriquez Christian
294-3435	3352 Bernaldi Frank V	3352 Bernaldi Sharon K
294-6746	3354 Rodriguez Alvaro M	3354 Rodriguez Dianelys C
296-0621	295-6990	3356 Jackowski Barbara J
292-4837	294-2521	3358 Jackowski Stanley J
294-1195	292-1829	3358 Barak Haim
296-5551		3360 Not Verified
292-2649		3362 Walteson Brandon M
295-8918		3364 Krier Kevin C
292-4684		3366 Weachter John R
292-4684		3366 Weachter Francis F
292-1237		BUSINESSES 2
294-6562		PEARL ST (KEY WEST)-
294-6562		ZIP CODE 33040 CAR-RT
		700 Alameda Vincent F
		Alameda Vincent
		Hatton A
		702 A 440 PIANOWORKS
		Vineberg H S
		Wegman Timothy G
		703 Hammerberg Ragnar V
		705 Hearn Andrew L
		806 Fowler Darryle
		1 Iannotta Benjamin
		2 Cressman Judith
		2 Miller Matthew F
		2 Sweet James N
		810 Bauer Bryan
		Nall Emily E
		Popick Tara
		Slattery Martha A
		B Not Verified
		814 Pratt Charles L & El
		815 Cunningham Kellyan
		4 Not Verified
		817 Mahoney John P
		Orcutt Keith S
		818 Steffian Peter
		818 Steffian Peter
		+ OLIVIA ST INTERSEC
		901 Lacey Robin L
		901 Lacey Robin L
		901 Lacey Robin L

Subsequently, since Mr. Verge and Mr. Seitz owned both 329 Peacon and 723 Eaton Street, the 2000 Polk City Directory listed 723 Eaton Street as being a "house", as identified by the black house icon, and had the following names associated with the property:

Nick A. Hatziantonio (2 years with the address)

Ronald R. Babcock (2 years with the address).

EATON ST	295-7474	922 Goldkopf Jodi
723 Hatziantonio Nick A		Mowat D
723 Not Verified	295-7273	Novorolnik Rot
2 Babcock Ronald R	294-2725	Schreiber Bob
724 Freeman William A Jr	294-6924	Schreiber Teri
Jagers Annie L		Shelton Laura
R Not Verified	295-2581	1A Not Verified
730 Clark Nancy J	294-7742	1 McGuffy Vale
	294-8888	923 Not Verified
	292-3334	925 Bberg Julie
	292-6195	Brown Richa
		Lloyd Geraldin
		+ FLETCHER LN
		927 CHEAP CHIC
		3-4 Not Verifi
		930 Kean P
		Yates Davi
		Yates Lori
		C Not Verifi
		930 a COLES PE
		bakeries
		930 b CONCH E
		+ GRINNELL ST
		1000 KEY WES
		1001 CLINTON
		O'Boyle
		Potvin Ch
		1 Frajut

2008 City Comprehensive Plan

The City of Key West adopted amendments to the City Comprehensive Plan and republished the Plan in this 2008 version³⁵.

Policy 1-2.3.10: Retention of Historic Character and All Permanent Single Family Housing Units. The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect the entire City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal single family lot of record. Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent single family units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent single family housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.

2009-2010 Property Appraiser Report

Property Appraiser report includes note of a 2002 permit that 2 of the 4 residential units were renovated. This note identifies that the property had 4 units.³⁶

2013 Comprehensive Plan

City of Key West adopts new comprehensive plan 3/05/2013³⁷.

Policy 1-1.10.3: - Retention of Historic Character and All Permanent Single Family Housing Units.

The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect the entire City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal lot of record. Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.

³⁵ Exhibit AZ. 2008 Comprehensive Plan. Select pages.

³⁶ Submitted as part of the LUD application as “Exhibit K”.

³⁷ Exhibit BA. 2013 Comprehensive Plan. Select pages.

On 1/02/2020, Warranty Deed Official Record Book 3002 Page 1722³⁸ transferred ownership of the 329 Peacon Lane lot of record using the same legal description established in 1957 and then again in 1975. No new subdivision occurred. 329 Peacon Lane was already a historical lot of record. The property was sold by FYF, LLC, to buyer Peacon Realty, LLC.

This aerial map displays a residential neighborhood in San Francisco, with property boundaries and lot numbers clearly marked. A yellow star highlights a specific property located at the intersection of 300 Peacock Ln and 300 William St. The map includes a scale bar indicating 58 feet. The surrounding area shows various other properties, including those numbered 3480, 3450, 3440, 3390, 3380, 3420, 3400, 3800, 3770, 3050, and 340. The streets shown are 300 William St, 300 Peacock Ln, and 700 Eaton St. The map also features a red '22' in the top left corner and a red '2' in the bottom right corner.

³⁸ Exhibit AX. OR 3002-1722.

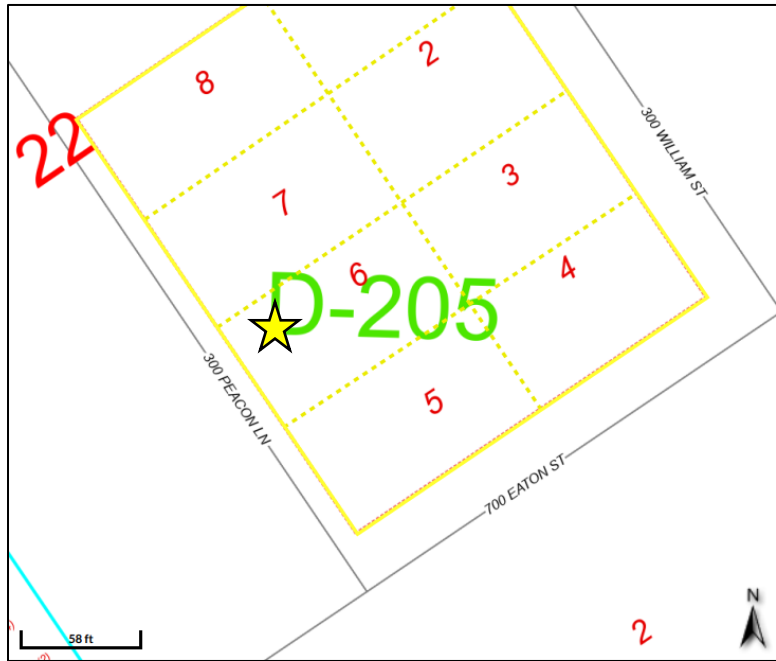
Property Timeline Analysis:

The following analysis is a response to staff timeline analysis.

June 17, 1846

On 6/17/1846, Official Record Book D Page 205¹⁰ recorded a platted subdivision of the block, creating lots 1-8.

The “star” indicates the location of the subject property.



February 23, 1847

On 2/23/1847, Warranty Deed Official Record Book E Page 779¹¹ transferred ownership of nearly half of the newly subdivided lands using a new legal description, not using the legal descriptions from the Plat D-205. The property was sold from: Philip Sawyer, and bought by: Richard Bartlum.

329 Peacon was part of a larger corner lot.

Subsequently, in 1857¹², the property transferred ownership to James R. Curry, but remained in this configuration by deed until 6/21/1883.



¹⁰ Exhibit AA. OR D-205.

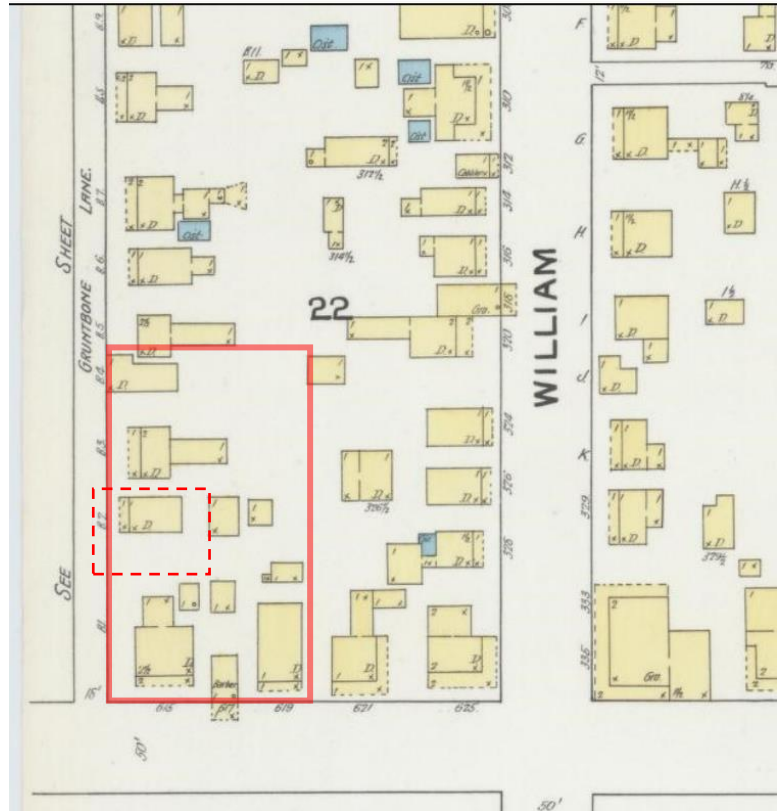
¹¹ Exhibit AB. OR E-779.

¹² Exhibit AC. OR F-52.

1882 Sanborn Fire Insurance Map

In 1882, Peacon Lane was known as "Gruntbone Lane". The Sanborn Fire Insurance map indicates the property now known as "329 Peacon" was formerly "82 Gruntbone". The "D" on the building indicates this was a residential dwelling.

The solid red outline overlaid onto the map depicts the approximate land as described by deed under single ownership at this time.



June 21, 1883

On 6/21/1883, Warranty Deed Official Record Book L Page 295¹³ transferred ownership of the "purple" land using a new legal description similar to that of lots 5 & 6 of subdivision D-205. The "purple" land was purchased by Marian J. Albury. James R. Curry maintained ownership of the "blue" land.

329 Peacon Lane was part of a smaller corner lot.

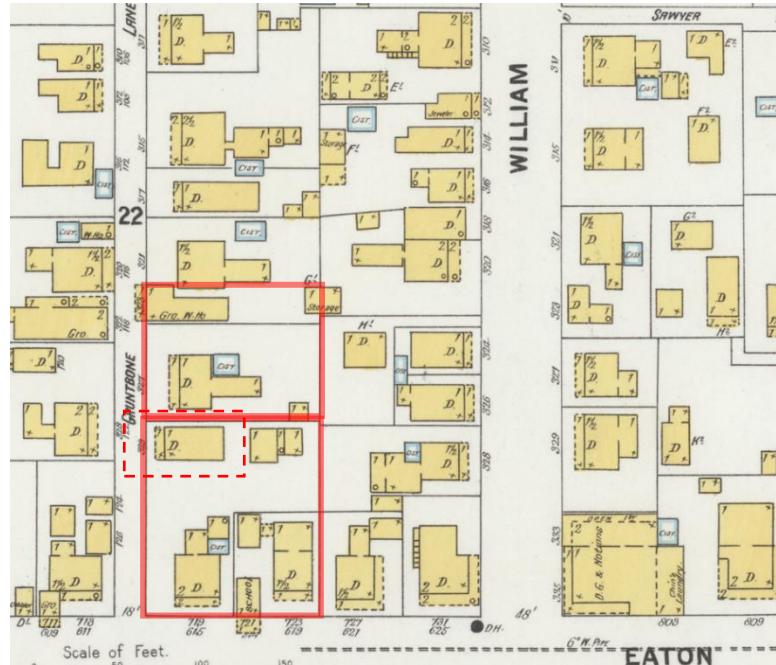
The property remained by deed in this configuration until 1937.



¹³ Exhibit AD. OR L-295-296.

1899 Sanborn Fire Insurance Map

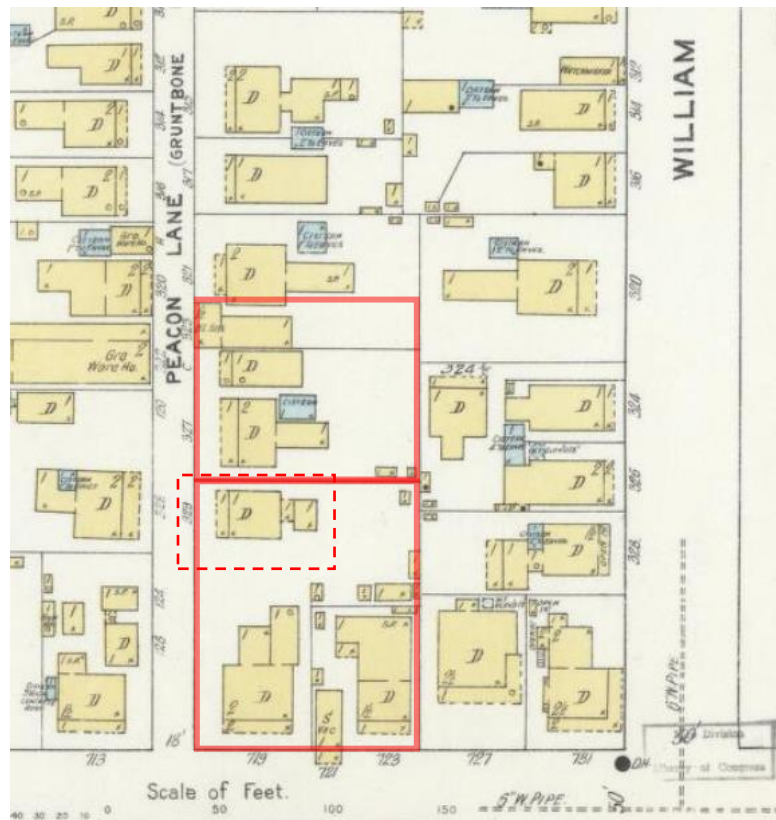
By 1899, the address of the property changed to "329 Gruntbone" and was still recognized by the Sanborn Fire Insurance map as being a residential dwelling ("D").



1912 Sanborn Fire Insurance Map

By 1912, the name of the lane changed from "Gruntbone Lane" to "Peacon Lane". From at least this time forward, the property has been known as "329 Peacon Lane". The 1912 Sanborn Fire Insurance map indicates "329 Peacon Lane" was still a residential dwelling ("D").

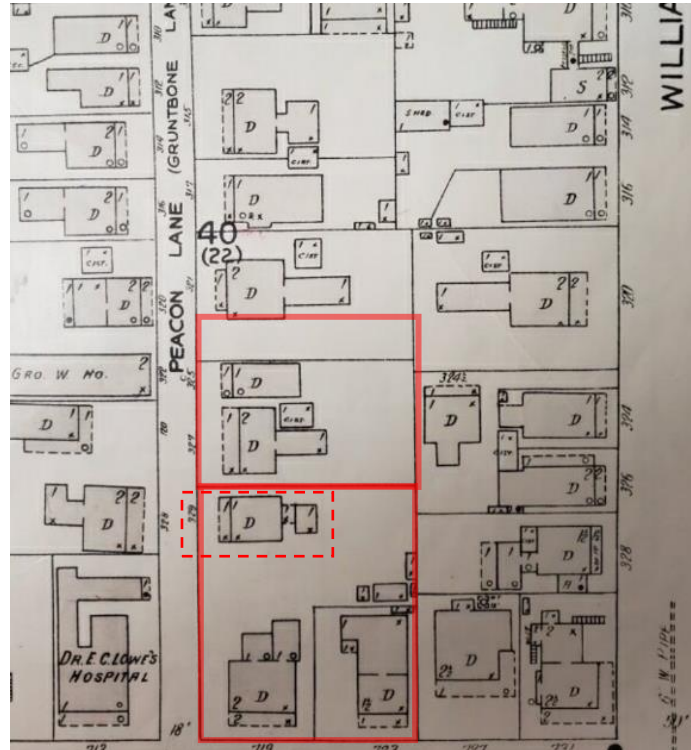
The solid red outlines indicate the land ownership as depicted by deed.



1926 Sanborn Fire Insurance Map

Again, the 1926 Sanborn Fire Insurance map indicates 329 Peacon Lane was a residential dwelling ("D").

The solid red outlines indicate the land ownership as depicted by deed.



1933 New Building Built

HARC Survey indicates existing concrete block building structure was built circa 1933¹⁴.

Oral History from David Freeman

David Freeman grew up right across the street, and was alive during this time, although very young, he and his family have maintained records of the block for their personal use.

Prior to the concrete block structure being built in 1933 at 329 Peacon Lane, the residence building of 723 Eaton Street had burned down.

The former residence building of 329 Peacon Lane, as depicted in the historical Sanborn maps from 1882-1926, was moved to replace the destroyed residential building of 723 Eaton Street.

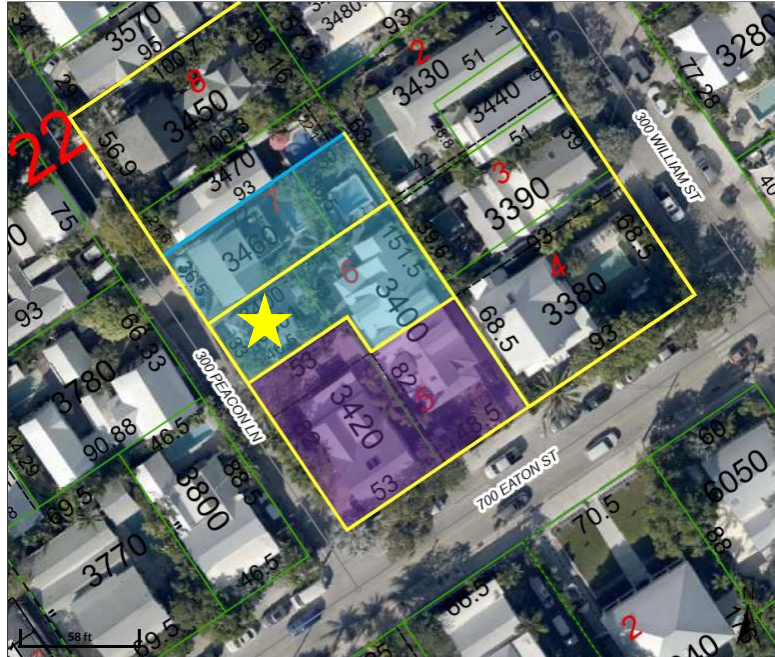
In its place at 329 Peacon Lane, was built a concrete block structure, likely a "garage" structure.

Further, in fact the 1946 Sanborn Map includes an insert overlaid on the page depicting this moved building to 723 Eaton Street and new building at 329 Peacon Lane.

¹⁴ Exhibit AE. HARC Survey.

November 29, 1937

On 11/29/1937, Warranty Deed Official Record Book G7 Page 17¹⁵ transferred ownership of the "blue" portion of lot 6 using a new legal description, subdividing this portion of the corner lot into 2 lots of record. No other changes to lot configuration occurred by deed. The property was sold by Marian Fleitas ("Albury") to buyer Allen E. Curry. Available deed records indicate members of the Curry family owned the "blue" lands at this time and the members of the Albury family owned the "purple" lands.



329 Peacon Lane was part of the new subdivided property.

The lands remained in this configuration until 1943.

Due to how the properties were transferred and carved, it is possible that the Albury and Curry surnames were part of the same family.

June 03, 1943

On 6/03/1943, Warranty Deed Official Record Book G12 Page 352¹⁶ transferred ownership of part of the corner, subdividing 721 Eaton ("green") from the rest of the property. The property was sold by: Fannie & J.D. Redd, and bought by McKinley E. Bennett. No other changes of lot configuration occurred by deed. The Curry family maintained ownership of the "blue" lands and the Albury family maintained ownership of the "purple" lands.



¹⁵ Exhibit AF. OR G7-17.

¹⁶ Exhibit AG. OR G12-352.

January 23, 1945

FCAA establishes that 329 Peacon has had 1 continuous residential water meter service since 1/23/1945.¹⁷

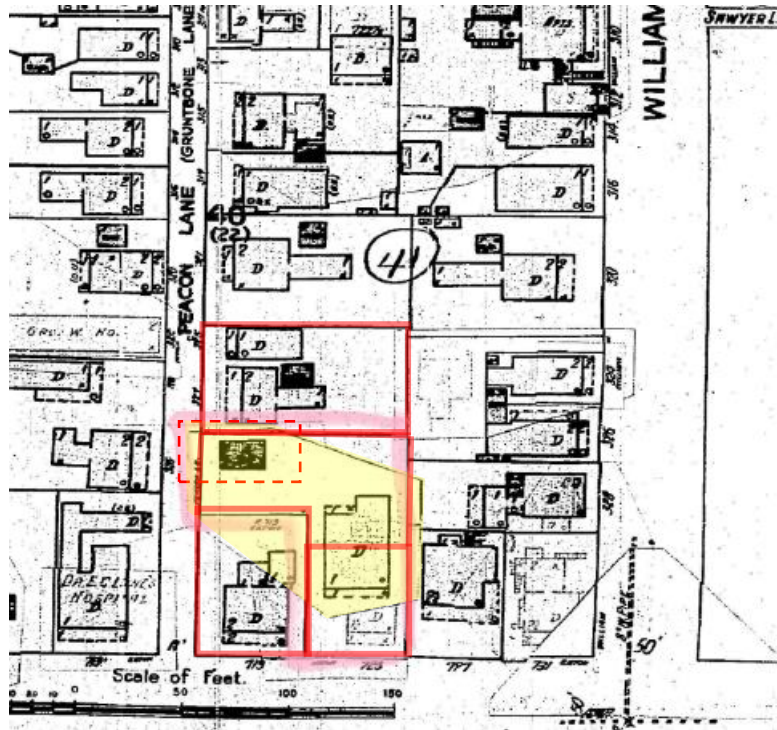
The concrete block structure was converted to a residence; likely a “garage apartment”.

1948 Sanborn Fire Insurance Map

The 1948 Sanborn Fire Insurance map identifies a very different shaped structure, that is illegible to determine what its use was for the property known as 329 Peacon Lane. However, it likely reads an “A”, indicating an automobile garage.

The solid red outlines indicate the land ownership as depicted by deed.

Clarified by the oral history provided by **David Freeman**, the 1948 Sanborn Map includes an overlaid insert. For ease of reference the overlaid insert is highlighted in yellow. This supports the oral history as recounted by David Freeman that the former house of 329 Peacon Lane was moved to 723 Eaton and in its place was built a concrete block structure. And the former house of 723 Eaton is partially visible, but appears faded, as though it were partially erased from the map.



1952 Code

City of Key West adopts Chapter 32. “Zoning”, known as “1952 Code”¹⁸. This adopted zoning district regulations. Although requested, the Clerk was unable to provide a zoning map in effect during this time.

Regarding subdivisions, the 1952 Code only established regulations related to subdividing lands greater than 2 acres in size, it did not prohibit subdivisions of lots less than 2 acres in size. It did, however, require setback yards be developed from the property line.

¹⁷ Submitted as part of the LUD application as “Exhibit I”.

¹⁸ Exhibit AH. 1952 Code. Zoning. Article I.

Sec. 32-1. Definitions.

Lot, area. A parcel of land occupying, or designed to be occupied, by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may be or may not be the land shown as a lot on a duly recorded plat.

Nonconforming use. A nonconforming use is a use which does not comply with the regulations of the district use in which it is situated.

Sec. 32-16. Subdivision development plan.

The owner of any subdivided or undeveloped land **not less than three acres in area or of subdivided areas of not less than two acres under their control**, shall submit to the planning commission of the city a development plan or subdivision plat for preliminary approval by said commission. Such development plant or subdivision plat shall show the following:

...

It shall be the duty of such planning commission to carefully examine said development plan or subdivision plat as regards its nature and purpose; the principal width, character and location of such streets and alleys and such subdivisions, and size, material, manner of laying water mains, storm and sanitary sewer lines, and then transmit such development plan or subdivision plat, with all plans and data, to the city commission with its recommendations thereon in writing, and the city commission, with the assistance of the city manager and the city attorney, shall also carefully examine said development plan or subdivision plat to determine if same meets the requirements set forth in this section before approving same by resolution, and the city clerk of the city shall cause to be delivered all development plans or subdivision plats so approved to the proper county officials for recording in the public records of Monroe County, Florida.

Sec. 32-19. Existing buildings and uses.

Nothing in this chapter shall effect the existing use of any building, lot or premises, or the height or yards of any building as such now exist.

Sec. 32-20. Reduction of lot area.

No lot area shall be so reduced that the dimensions of the yards or open spaces shall be smaller than herein prescribed.

Sec. 32-21. Nonconforming uses.

The lawful use of a building or premises existing on the effective date of this chapter, or authorized by a building permit issued 90 days prior thereto, **may be continued**, although such use does not conform with the provisions of this chapter, and such use may hereafter be extended or moved to any part of a plant which was arranged or designed for such use prior to such effective date. A **nonconforming use may be changed to a use of the same or higher classification** according to the provisions of this chapter. Whenever a district shall hereafter be changed, any then existing **nonconforming use may be continued or changed, to a use of a similar or higher classification or to a conforming use, such use shall not thereafter be changed to a use of a lower classification** except as hereinbefore provided.

Sec. 32-22. Restoration of existing buildings.

Nothing in this chapter shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy or prevent the continuance of the use of such building, or part thereof, as such use existed at the time of such destruction of such building or part thereof.

Sec. 32-28. Enforcement of chapter; application for and issuance of building permits.

It shall be the duty of the building official, and he is hereby given the power and authority, to enforce the provisions of this chapter. The building official shall require that the application for a building permit and the accompanying plot plan shall contain all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of this chapter. No building permit shall be issued until the building inspector has certified that the proposed building or alterations comply with the provisions of this chapter. In the event bona fide construction or bona fide alterations are not commenced under any building permit issued under the terms of this chapter within thirty days from the date of such permit, such building permit shall thereupon become automatically void and shall stand forthwith cancelled. It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor.

September 17, 1957

On 9/17/1957, Warranty Deed Official Record Book 108 Page 426¹⁹ transferred ownership using three new legal descriptions to sell the “orange” lands (i.e., 723 Eaton), these new legal descriptions are depicted by the yellow-dashed lines overlaid on the “orange” lands. The property was sold from Allen E. and Louise R. Curry to buyer William W. and Mary H. White. The three legal descriptions of 723 Eaton were on the same deed.

As part of this deed, a new legal description for the “blue” land (329 Peacon) was written, subdividing 329 Peacon as an *exclusion* from the property being sold. The “blue” land remained under the ownership of Allen E. and Louise R. Curry.



Additionally, by this time, on 6/30/1955²⁰, the “purple” portion of lot 7 was transferred to Harry J. & Ruby M. Metzger.

The Curry family maintained exclusive ownership of 329 Peacon (“blue”) and no longer owned any other adjacent properties. This means that the Curry family no longer owned any adjacent lots of record, only owning the “blue” 329 Peacon Lane lot of record.

1965 Code

City of Key West adopted ordinance 065-1²¹ which repealed sections 16 & 17 of chapter 32 of the 1952 code and established Section 33 regarding subdivision regulations for all lands.

Sec. 33-2. Definitions.

- (a) Plat. A map, drawing or chart on which the subdivider's plan of the subdivision is presented, and which he submits for approval and intends in final form to record.
- (b) Subdivision. For the purposes of these regulations a subdivision of land is either:
 - (1) The division of land into two or more lots, sites or parcels of two acres or less in area;
 - (2) Establishment or dedication of a road, highway, street or alley through a tract of land regardless of area; or
 - (3) Re-subdivision of land heretofore divided or platted into lots, sites or parcels; provided, however, the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land.
- (c) Lot. A parcel of land occupied or intended for occupancy and having its principal frontage upon an officially approved street.

¹⁹ Exhibit AI. OR 108-426.

²⁰ Exhibit AJ. OR 38-431.

²¹ Exhibit AK. Ordinance 065-1. Select pages.

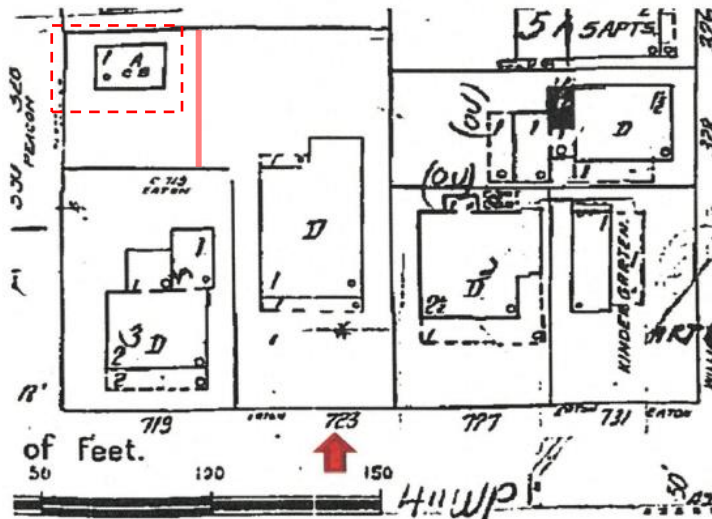
33-11. Violation and penalty.

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable as provided by Section 1-7 of this Code, and each day during which such violation shall continue shall constitute a separate violation.

1962 Sanborn Fire Insurance Map

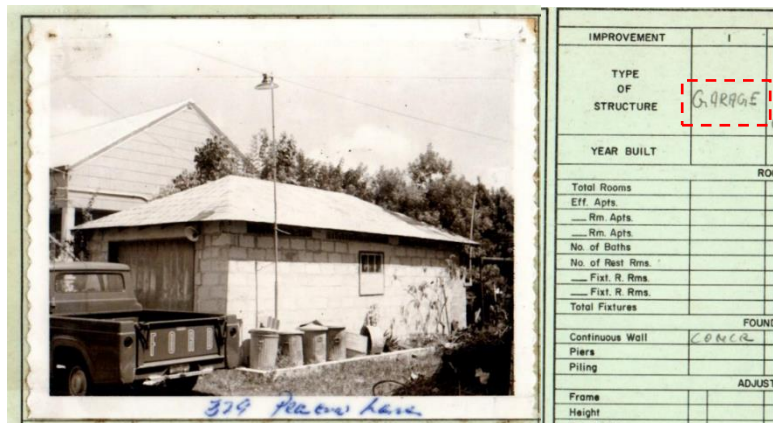
In 1962, 329 Peacon Lane was considered by the Sanborn Fire Insurance map to be a structure devoted to an automobile, such as a garage.

The solid red outline indicates the approximate property line by deed.



1966 MCPA Property Green Card

According to the 1966 MCPA Green Card²², 329 Peacon Lane was a garage.



1969 Code

City of Key West adopts Ordinance 69-29²³ which repealed Article I of Chapter 32 of the zoning regulations and adopts a new zoning regulations. The subdivision and platting ordinance is still in effect.

Sec. XXIV. Definitions

20. Lot – For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved street, or on an approved private street, and may consist of:

- A single lot of record;

²² Exhibit AL. 329 Peacon Lane Green Card.

²³ Exhibit AN. Ord. 69-29. Select pages.

- b. A portion of a lot of record;
 - c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record
 - d. A parcel of land described by metes and bounds;
- provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

24. Lot of Record - A lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat prior to the effective date of this ordinance.

28. Non-Conformity - Any lot, use of land, use of structure, use of structure and premises or characteristics of any use which was lawful at the time of enactment of this ordinance but which does not conform with the provisions of the district in which it is located.

Sec. VI. 3. Non-Conforming Lots of Record - In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements of area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area width, and yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements in this ordinance.

Sec. VI. 6. Non-Conforming Uses of Structures or of Structures and Premises in Combination - If a lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

Sec. VI. 8. Uses Under Exception Provisions Not Non-Conforming Uses - Any use for which a special exception is permitted as provided in this ordinance (other than a change through Board of Adjustment action from a non-conforming- use to another use not generally permitted in the district) shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

Sec. VII. 7. HP-1 Residential Historic Preservation District.

Principal uses and structures:

1. Single family dwellings. ...

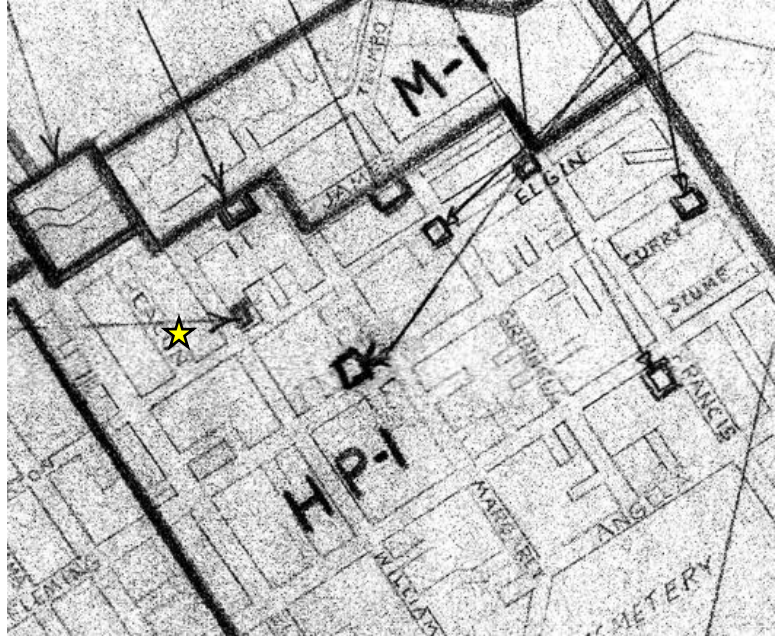
Special exceptions permissible by board of adjustment.

4. Garage apartments.

1974 Zoning Map

City adopts zoning map. (Oldest zoning map available.)

Property is in “HP-1” district. (Residential Historic Preservation District)



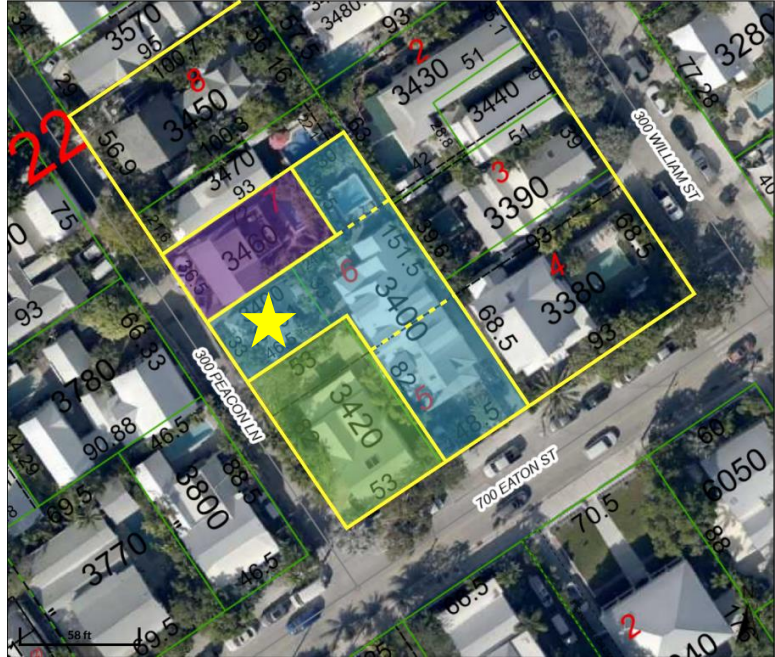
June 18, 1975

On 6/18/1975, Warranty Deed Official Record Book 617 Page 318²⁴ transferred ownership of 329 Peacon Lane, using the 1957 subdivided lot of record legal description. 329 Peacon Lane was sold by Allen E. Curry to William W. and Mary H. White, who owned adjacent 723 Eaton Street. No other changes were made to the lot configuration. The White family owned the “blue” lands until 1983.



²⁴ Exhibit AO. OR 617-318.

The middle portion including the back half of 723 Eaton and 329 Peacon used the legal description as written in 1943.



The property remained in this configuration until 1989.



²⁷ Exhibit AR. OR 928-440.

1985 Code and Zoning Map

City of Key West adopts Ord. 85-23²⁸ establishing HP-3 (Light Commercial Historic Preservation District) zoning district and Ord. 85-26²⁹ new zoning map.

The property is rezoned HP-3.

(8A) HP-3 Light Commercial Historic Preservation District.

Principal uses and structures:

1. Single family dwellings. ...

Accessory uses and structures:

1. Noncommercial piers, bathhouses, and loading places intended solely for the use of the adjoining residences.
2. Noncommercial nurseries and greenhouses.

Customary accessory uses of a residential nature, clearly incidental and subordinate to the principal use, garages, carports, and the like, in keeping with the residential character of the district.

1. Home occupations subject to the provisions of Section X.

Special exception permissible by the board of adjustment. Same as for HP-1 and in addition:

1. Garage apartments.
2. Guest houses.

1986 Code

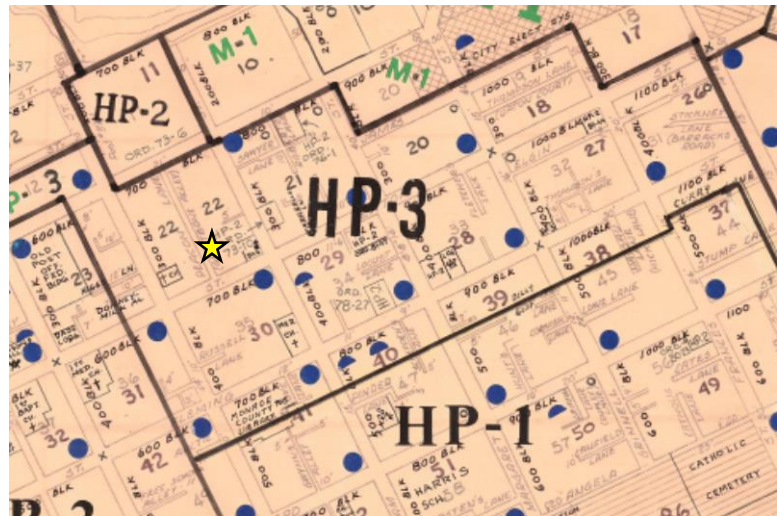
The City of Key West adopted Ordinance 86-15³⁰ which established density limitations of properties for 2-family and multi-family (not single-family) uses.

Sec. XXIV (8A) (f)

Two-family and Multiple-family structures shall not exceed 16 dwelling units per acre density.

1969 Code still in effect:

Sec. VI. 3. Non-Conforming Lots of Record - In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.



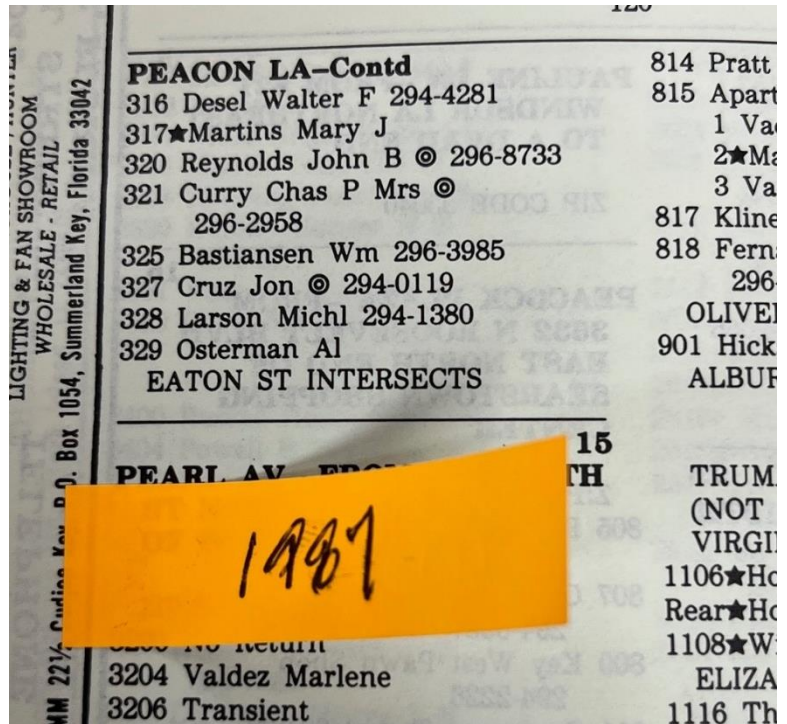
²⁸ Exhibit AS. Ord. 85-23.

²⁹ Exhibit AT. Ord. 85-26.

³⁰ Exhibit AU. Ord. 86-15. Select pages.

1987 Polk City Phone Directory

Al Osterman is listed at 329 Peacon Lane.



June 13, 1989

On 6/13/1989, Warranty Deed Official Record Book 1095 Page 2435³¹ wrote an entirely new legal description for the entire "blue" land as a single legal description. The property was sold by Albert J. Osterman and bought by William G. Verge and James R. Seitz.

The property remained in this configuration until 1997.



July 20, 1989

MCPA notes that the RE# for 329 Peacon Lane was deleted and combined under the RE# for 723 Eaton Street for assessment purposes.³²

³¹ Exhibit AV. OR 1095-2435.

³² Submitted as part of the LUD application as "Exhibit O".

1992 Polk City Phone Directory

329 Peacon Lane is listed as a "winter residence" of William G. Verge.



1993 City Comprehensive Plan

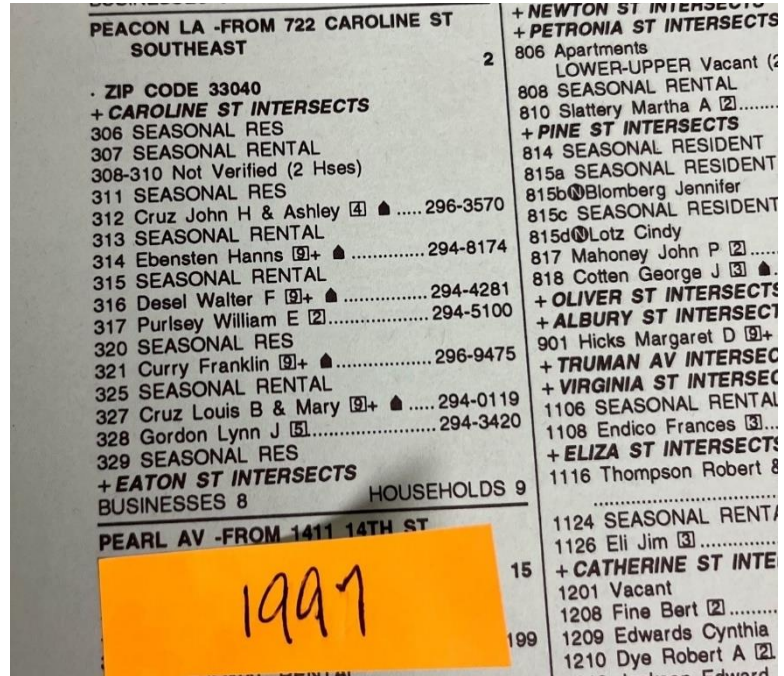
City of Key West adopted Ordinance 93-96, adopting a new Comprehensive Plan³³.

Policy 1-2.3.9: Retention of Historic Character and All Permanent Single Family Housing Units. The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect all the City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal single family lot of record. Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent single family units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent single family housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.

³³ Exhibit AY. 1993 Comprehensive Plan. Select pages.

1997 Polk City Phone Directory

329 Peacon Lane is listed as a "Seasonal Residence".



April 25, 1997

On April 25, 1997, Quitclaim Deed Official Record Book 1453 Page 2409³⁴ transferred a 2-ft wide parcel of land from 721 Eaton to 723 Eaton. This was done using a new legal description for this 2-ft wide parcel of land. The property was sold by Annielaura M. Jagers to buyer William G. Verge.

The land remained in this configuration and legal descriptions through subsequent ownership by FYF, LLC, until 1/02/2020.



³⁴ Exhibit AW. OR 1453-2409.

2000 Polk City Directory

329 Peacon Lane was listed as being a "house", as identified by the black house icon, and had the following names associated with the property:

John J. Howard ("new" to address)

James R. Seitz (7 years with address)

William G. Verge (4 years with address)

292-2841	292-2841	292-2841	292-2841
294-3435	294-3435	294-3435	294-3435
294-6746	294-6746	294-6746	294-6746
296-0621	296-0621	296-0621	296-0621
292-4837	292-4837	292-4837	292-4837
294-1195	294-1195	294-1195	294-1195
296-5551	296-5551	296-5551	296-5551
292-2649	292-2649	292-2649	292-2649
295-8918	295-8918	295-8918	295-8918
292-4684	292-4684	292-4684	292-4684
292-4684	292-4684	292-4684	292-4684
292-1237	292-1237	292-1237	292-1237
294-6562	294-6562	294-6562	294-6562
294-6562	294-6562	294-6562	294-6562
HOUSEHOLDS 196			
1099 19TH ST			
292-6913	292-6913	292-6913	292-6913
294-7223	294-7223	294-7223	294-7223
296-3763	296-3763	296-3763	296-3763
294-6238	294-6238	294-6238	294-6238
293-8046	293-8046	293-8046	293-8046
293-8046	293-8046	293-8046	293-8046
295-2540	295-2540	295-2540	295-2540
295-2540	295-2540	295-2540	295-2540
294-0555	294-0555	294-0555	294-0555
296-6774	296-6774	296-6774	296-6774
295-2995	295-2995	295-2995	295-2995
295-6374	295-6374	295-6374	295-6374
294-3930	294-3930	294-3930	294-3930
296-8703	296-8703	296-8703	296-8703
296-3370	296-3370	296-3370	296-3370

Subsequently, since Mr. Verge and Mr. Seitz owned both 329 Peacon and 723 Eaton Street, the 2000 Polk City Directory listed 723 Eaton Street as being a "house", as identified by the black house icon, and had the following names associated with the property:

Nick A. Hatziantonio (2 years with the address)

Ronald R. Babcock (2 years with the address).

292-2841	292-2841	292-2841	292-2841
294-3435	294-3435	294-3435	294-3435
294-6746	294-6746	294-6746	294-6746
296-0621	296-0621	296-0621	296-0621
292-4837	292-4837	292-4837	292-4837
294-1195	294-1195	294-1195	294-1195
296-5551	296-5551	296-5551	296-5551
292-2649	292-2649	292-2649	292-2649
295-8918	295-8918	295-8918	295-8918
292-4684	292-4684	292-4684	292-4684
292-4684	292-4684	292-4684	292-4684
292-1237	292-1237	292-1237	292-1237
294-6562	294-6562	294-6562	294-6562
294-6562	294-6562	294-6562	294-6562
HOUSEHOLDS 196			
1099 19TH ST			
292-6913	292-6913	292-6913	292-6913
294-7223	294-7223	294-7223	294-7223
296-3763	296-3763	296-3763	296-3763
294-6238	294-6238	294-6238	294-6238
293-8046	293-8046	293-8046	293-8046
293-8046	293-8046	293-8046	293-8046
295-2540	295-2540	295-2540	295-2540
295-2540	295-2540	295-2540	295-2540
294-0555	294-0555	294-0555	294-0555
296-6774	296-6774	296-6774	296-6774
295-2995	295-2995	295-2995	295-2995
295-6374	295-6374	295-6374	295-6374
294-3930	294-3930	294-3930	294-3930
296-8703	296-8703	296-8703	296-8703
296-3370	296-3370	296-3370	296-3370

2008 City Comprehensive Plan

The City of Key West adopted amendments to the City Comprehensive Plan and republished the Plan in this 2008 version³⁵.

Policy 1-2.3.10: Retention of Historic Character and All Permanent Single Family Housing Units. The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect the entire City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal single family lot of record. Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent single family units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent single family housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.

2009-2010 Property Appraiser Report

Property Appraiser report includes note of a 2002 permit that 2 of the 4 residential units were renovated. This note identifies that the property had 4 units.³⁶

2013 Comprehensive Plan

City of Key West adopts new comprehensive plan 3/05/2013³⁷.

Policy 1-1.10.3: - Retention of Historic Character and All Permanent Single Family Housing Units.

The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect the entire City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal lot of record. Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.

³⁵ Exhibit AZ. 2008 Comprehensive Plan. Select pages.

³⁶ Submitted as part of the LUD application as “Exhibit K”.

³⁷ Exhibit BA. 2013 Comprehensive Plan. Select pages.

On 1/02/2020, Warranty Deed Official Record Book 3002 Page 1722³⁸ transferred ownership of the 329 Peacon Lane lot of record using the same legal description established in 1957 and then again in 1975. No new subdivision occurred. 329 Peacon Lane was already a historical lot of record. The property was sold by FYF, LLC, to buyer Peacon Realty, LLC.

³⁸ Exhibit AX. OR 3002-1722.

216. ^D Know all men by these presents that I John W. Si-
 monson of Key West for the consideration of One hun-
 dred and thirty five Dollars in hand paid the receipt
 whereof is hereby acknowledged have given granted bar-
 gained and sold and by these presents do give grant
 bargain and sell unto Richard Roberts and William Roberts
 of Key West, all that certain piece or parcel of land in
 Key West, commencing at a distance of thirty feet from
 the corner of Simonson and Eaton streets and running
 along on Simonson street thirty five feet; thence at right
 angles One hundred and one feet: said piece of land
 being part of lot 4 (Four) in square 23 (Twenty three)
 as designated by Whitehead's survey of the Island
 and City of Key West. Together with all the heredita-
 ments and appurtenances therunto belonging: do have
 and hold the said above described premises with the
 appurtenances unto the said William Roberts and Richard
 Roberts, their heirs and assigns forever: And I the said
 John W. Simonson do hereby covenant the said described
 premises with the appurtenances in the quiet and peace-
 able possession of the said William Roberts and Richard Roberts
 their heirs and assigns against the claims of all persons to
 Harass and Defend.

Signed Seal & delivered
 in presence of

W. C. Maloney $\frac{1}{2}$
 W. B. Randolph $\frac{1}{3}$

Witness my hand & Seal at Key West this
 Twenty Eighth day of May in the Year
 Eighteen hundred and Forty six

J. W. Simonson (Seal)

State of Florida
 Monroe County } On this 28 day of May 1846 Before me the subscri-
 Clerk of the Circuit Court of Monroe County personally came John
 W. Simonson to me personally known and known to be the individual
 described in and who executed the foregoing instrument of writing
 & acknowledged the same as his Act and Deed for the pur-
 poses therein set forth Whereupon the same is admitted of record

W. C. Maloney Clerk

Duly recorded 17th June 1846.

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State of South Carolina.

Know all men by these presents that I Alexander Hagan of Charleston S.C. for and in consideration of the sum of Four hundred and Seventy five Dollars \$475 to me in hand paid at and before the sealing and delivery of these presents by Susan E. Randolph of Key West Florida (the receipt whereof I do hereby acknowledge) have bargained and sold, And by these presents do bargain, sell and deliver unto the said Susan E. Randolph, a certain Negro Girl named Mary, aged about Eighteen Years, warranted sound

To Have and to Hold the said Slave Mary with her future issue and increase unto the said Susan E. Randolph her Executors, administrators and Assigns. to her and their only proper use and behoof forever. And I the said Alexander Hagan my Executors and Administrators the said bargained premises unto the said Susan E. Randolph her Executors, administrators and Assigns. from and against all persons. Shall and will warrant and forever defend by these presents.

In witness whereof I have hereunto set my hand and seal, Made at Charleston on the Twenty Eighth day of February in the Year of our Lord one thousand Eight hundred and Forty six and in the Seventeenth Year of the Independence of the United State of America.

Sealed & delivered
in presence of
Wm. Norton

Alex^r Hagan 

Only recorded 17 June 1846.

Know all men by these presents that I Adam Gordon of Key West in consideration of One hundred and twenty Dollars to me paid the receipt whereof is hereby acknowledged have given granted, bargained and sold, and by these presents do give, grant, bargain and sell unto David Williams of the same place, all that piece or parcel of land situate in the City of Key West being the eastern part of lot number 3 (three) in square number 49 (forty nine) — having a front on Calton street of Fifty feet, and extending at right angles two hundred and twenty six feet. together with all the privileges and appurtenances therein belonging.

To have and to hold the said above described premises with the appurtenances unto the said David Williams his heirs and assigns in fee simple forever. And I the said Adam Gordon

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of a prior her said husband and in testimony thereof before me did sign and seal the foregoing written acknowledgment. —

Witness my hand and seal at Key West the day and year before

Peter Gausser

Justice of the Peace

Whereof the same is admitted of Record

Duly Recorded April 4th 1857. —

Peter Gausser

Clk.

Know all men by these presents, that we Philip Sawyer and Elizabeth Sawyer his wife of Key West in the County of Monroe State of Florida in consideration of One hundred dollars paid by Richard Bart-
-lum the receipt whereof is hereby acknowledged, do hereby give, grant, bar-
-gain, sell and convey unto the said Richard Bartlum his heirs and As-
-signs all that piece or parcel of land in the City of Key West designated
in a plan of subdivision of lot one (1) in square Twenty two (22) as Lot num-
-ber 5 (five) of said subdivision having a front on Baton Street of Ninety-
three feet and bounded Southwesterly by a lane fifteen feet wide running
parallel with William Street and distant therefrom One hundred
and eighty six feet. Having a front on said Lane of fifty seven feet and
six inches. To Have and to Hold the above granted Premises, with the
privileges and appurtenances thereto belonging, to the said Richard
Bartlum his heirs and assigns, to them and behoof forever. And
the said Philip Sawyer for me and my heirs executors and Admin-
istrators do covenant with the said Richard Bartlum his heirs
and assigns that I am lawfully seized in fee of the above granted
Premises, that they are free from all incumbrances that I have good
right to sell and convey the same to the said Richard Bartlum his
heirs and assigns as aforesaid; and that I will, and my heirs, executors
and administrators shall warrant and defend the same to the
said Richard Bartlum his heirs and assigns forever, against the law-
-ful claims and demands of all persons. — We Witness whereof we the
said Philip Sawyer and Elizabeth Sawyer his wife have hereunto set
our hands and seals this Twenty third day of February in the year of
our Lord One thousand eight hundred and forty seven. —

Executed and delivered in presence of us.

(Sig^{ty}) A. Gadsden

" B. W. Smith

" W. C. Maloney

" Clementine Sawyer

(Sig^{ty}) Philip Sawyer

" Elizath Sawyer

(Seal)
(Seal)

State of Florida. County of Monroe.

February 23rd A. D. 1847. Then personally appeared the above named
Philip Sawyer and Elizabeth Sawyer his wife and acknowledged
the above Instrument to be their free Act and deed. Before me

(Sig^{ty}) W. C. Maloney

Justice of the Peace

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above conveyance is executed by me for the purpose of relinquishing and renouncing my Dower and right of Dower in the premises therein named and that the said Relinquishment and renunciation of dower is made freely and voluntarily and without any compulsion constraint apprehension or fear of or from my said husband. — In Testimony whereof I have hereunto set my hand and seal this 23rd day of February A. D. 1867.
(Sig^y) Elizabeth Sawyer (Seal)

State of Florida - Monroe County.

On this 23rd day of February 1867 Before me the subscriber a Justice of the Peace in and for said County personally came Elizabeth Sawyer to me personally known and upon a private examination separate and apart from her aforesaid husband acknowledged that she relinquished and renounced her dower in the premises hereinbefore conveyed freely and voluntarily and without any compulsion constraint apprehension or fear of or from her said husband. And in Testimony thereof did sign and seal the foregoing written acknowledgment. —

Before me

(Sig^y) W. C. Maloney
J. P.

Whereof the same is admitted of Record.

Duly Recorded this 4th April A. D. 1867.

Peter Emser

clerk.

State of Florida
Monroe County

To all to whom these presents shall come, I Robert Clarke Sheriff of Monroe County, send Greeting.

Whereas an Execution against William C. Greene was by me the said Robert Clarke levied on a certain lot of ground in the City of Key West and known as the Northwestern two thirds of lot Number One (181) in square Number forty and among the boundary lines commencing on White Street at the dividing line of this lot and lot Number Two in this square, and running thence at right angles to White Street Southwesterly to the center of said square, thence parallel with White Street Southwesterly towards said White Street one hundred and fifty feet and eight inches, thence parallel with Southward Street Southwesterly out to White Street thence Northwesterly along White Street one hundred and fifty feet and eight inches to the point of beginning —

And whereas on the seventh day of April A. D. 1867 all the Estate, right, title and interest of the said William C. Greene in and to the premises aforesaid were by me the said Robert Clarke, sold at Public Auction for the satisfaction of said Execution to Cornelius Cortis, who was the highest bidder, for the sum of Forty Dollars which the said Cornelius Cortis has since well and truly paid to me the said Robert Clarke —

Now know ye; that by force and virtue of the law in such cases made and provided I the said Robert Clarke in consideration of the sum of money paid to me as aforesaid, do by these Presents, grant, bargain sell and convey assign and set over unto the said Cornelius Cortis

F

under his hand and seal.

Given under my hand this 4th day of August A. D. 1857.

John Russell

Justice of the Peace

Whereof the same is admitted of Record.

Truly Recorded August 8th 1857.

John Russell

clerk.

Now all men by these presents that we Richard Bartum and Mary Bartum his wife of Polk West in the Territory of Monroe and State of Florida in consideration of One hundred Dollars - (\$100) paid by James Robert being the receipt whereof is hereby acknowledged do hereby give grant bargain sell and convey unto the said James Robert being his heirs and assigns a moiety of that piece or parcel of land in the City of Polk West designated on a plan of subdivision of Lot One (1) in square Twenty two (22) as Lot number five (5) of said subdivision having a front on Baton Street of Fifty six feet six inches (56 ft 6 in) and bounded Southwardly by a Lane fifteen feet wide, running parallel with William Street, and distant therefrom One hundred and eighty six feet (186 ft) having a front on said Lane of Fifty seven feet and six inches (57 ft 6 in). To have and to hold the above granted premises with the privileges and appurtenances thereto belonging to the said James Robert being his heirs and assigns to their use and behoof forever. And we the said Richard Bartum and Mary Bartum his wife for us and our heirs executors and administrators do covenant with the said James Robert being his heirs and assigns that we are lawfully seized in fee of the above granted premises that they are free from all encumbrances, that we have good right to sell and convey the same to the said James Robert being his heirs and assigns as a present and that we will and our heirs, executors and administrators shall warrant and defend the same to the said James Robert being his heirs and assigns for ever, against the lawful claim and demands of all persons. In Witness whereof we the said Richard Bartum and Mary Bartum his wife have hereunto set our hands and seals this Tenth day of March in the year of our Lord One thousand eight hundred and fifty seven.

Executed and delivered in

presence of us

John William Russell

Alexander Saunders

(Sg) Richard Bartum

Mary Bartum

I, Mary Bartum wife of Richard Bartum do hereby acknowledge that the above conveyance is executed

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done is made by me freely and voluntarily and without any com-
pulsion, constraint apprehension or fear of my said husband.
In testimony whereof I have hereunto set my hand and seal this 16th
day of March A.D. 1857.

In presence of.

(sig'd) William Russell

Alexander Saunders

(sig'd) Mary ^{the} Bartlum ^{mark} (seal)

State of Florida - Monroe County

I, Wm. Pettit a Justice of the
Peace in and for said county, testify that on the 16th day of March
A.D. 1857 personally came before me Richard Bartlum and Mary
Bartlum to me personally known and acknowledged the foregoing
instrument to be their act and deed for the purposes therein set forth.
And afterwards on the same day saw the said Mary Bartlum the
wife of the said Richard Bartlum and being separate and apart
from her said husband took and made the foregoing acknowl-
edgment before me under her hand and seal.

Given under my hand this 16th day of March A.D. 1857.

(sig'd) Wm. Pettit

Justice of the Peace

Whereof the same is admitted of Record.

Duly Recorded August 13th 1857.

Peter Smiley

clerk.

State of Florida

Monroe County

To all to whom these presents shall come
I Robert Clarke Sheriff of Monroe County send Greeting:-

Whereas an Execution against Walter L. Maabney was
by me the said Robert Clarke levied on a certain lot of ground
in the City of Key West and known as part of Lot Number (14)
Four in square number (22) Twenty three according to Whitehead's
plan of said City delineated February 1829 and bounded as
follows, commencing at the corner of Livingston and Baton
streets, and running thence along Baton Street fifty one feet
and six inches, thence parallel with Livingston Street forty five
feet thence parallel with Baton Street fifty one feet six inches,
thence on the line of Livingston Street forty five feet to the place
of beginning, said lot having a front on Livingston Street of
forty five feet, and a front on Baton Street of fifty one feet and
six inches, with all the Buildings and improvements situated
thereon.

And whereas on the third day of August A.D. 1857 all
the said lot of ground and interest of the said Walter L. Maabney
in and to the premises aforesaid, was by me the said Robert
Clarke, sold at Public Auction for the satisfaction of said Ex-
ecution to William D. Saunders the highest bidder,

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Know all men by these presents, that we Joseph Albany and Francis Albany his wife, of the City of Key West, County of Monroe and State of Florida, for and in consideration of the sum of Four hundred Dollars, to us in hand paid the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto Marian J. Albany, of the same place, and to her heirs and assigns, all that lot of land numbered six (6) in the subdivision of Lot One (1) in square Twenty two (22) in the City of Key West (reference being had to the plan of said subdivision made by Wm. S. Naethley, Esq., County Surveyor of Monroe County Florida, recorded in Book 10, page 20, of Monroe County Records) Commencing Fifty seven feet, six inches from the line of Eaton Street and running along the line of a projected lane laid out on the plan of said subdivision Fifty seven feet, six inches; thence along the line of lot seven (7) of said subdivision Ninety three feet, thence parallel with William Street Fifty seven feet, six inches; thence parallel with Eaton Street to the place of beginning.

Together with a right of way through said projected lane which lane is designed to be Fifteen feet wide from the corner of Eaton Street and running through the same width (by Compass S. 39° 30' E. variation S. 13°) and all the appurtenances, and all the right, title, interest, claim and demand of us or either of us in the premises. To have and to hold the same, with the appurtenances, and right of way as aforesaid unto the said Marian J. Albany and her heirs and assigns in fee simple forever.

And we the said Joseph Albany and Francis Albany, his wife do for ourselves and our heirs hereby covenant and agree to warrant and defend the same unto the said Marian J. Albany, her heirs and assigns forever.

In Testimony whereof we have hereunto set our hands and seals at Key West, this Twenty first day of June, Eighteen hundred and eighty three.
 signed sealed and delivered in the presence of
 (sd) E. J. Park
 " Peter Knight

(sd) Joseph Albany
 " Francis Albany

I Frances Albany wife of Joseph Albany do hereby acknowledge that the foregoing deed is executed by me for the purpose of relinquishing and renouncing my dower in the premises hereinbefore conveyed, freely and voluntarily and without any

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Signed & acknowledged before me (sd) Francis Albury Clerk
 Peter J. Knight
 Clerk of Ct Monroe Co, Fla.

State of Florida
 Monroe County

Be it remembered that on this 21st day of June A.D. 1883, before me the undersigned the Clerk of the Circuit Court in and for said County, personally came Joseph Albury and Francis Albury his wife, both to me personally known and known to be the individuals mentioned and described in and who executed the foregoing conveyance and then and there acknowledged the same to be their free and voluntary act and deed, And afterwards, to wit on the same day the said Francis Albury being separate and apart from her husband took and made the foregoing written acknowledgment under her hand and seal before me. Witness my hand and the seal of the said Circuit Court the day and year first above written.

Duly recorded
 June 21st 1883
 Peter J. Knight - Clerk
 Seal of Clerk of Ct Monroe County Fla.

Known all men by these presents, that I in the County of Monroe, State of Florida, I Caroline Jernegan in the County and State aforesaid, for and in consideration of the sum of Twenty five Dollars to me in hand paid by Peter Nelson - the receipt whereof is hereby acknowledged, have this day given, granted, bargained, sold and conveyed unto the said Peter Nelson, his heirs and assigns forever. All that certain piece parcel or lot of land situated lying and being and described to wit Commencing at the northwest corner of the (S.E. 1/4) South East Quarter of the (N.E. 1/4) North East Quarter of Section (23) Twenty three, of Township (sd) Forty four South of Range (24) Twenty four East, and running South (500) five hundred feet, thence East (440) four hundred & forty feet, thence North (500) five hundred feet, thence to the beginning, containing five acres more or less. So have I to hold the above described lot of land with the appurtenances thereto belonging unto the said Peter Nelson, his heirs and assigns forever. And I do and Caroline Jernegan do hereby covenant to and with the said Peter Nelson his heirs and assigns, that we will and our heirs

Key West Historic Resources Survey 2011

City of Key West Planning Department

Key West, Monroe County, Florida

Certified Local Government Grant No. 1105

FINAL REPORT
August 31, 2012

PREPARED FOR THE:

CITY OF KEY WEST
PLANNING DEPARTMENT
3140 FLAGLER AVENUE
KEY WEST, FLORIDA 33041

PREPARED BY:

STACEY L. GRIFFIN, M.A.
AND
CHRISTINE M. LONGIARU, M.A.



PANAMERICAN CONSULTANTS, INC.
2619 UNIVERSITY BOULEVARD
TUSCALOOSA, ALABAMA 35401

STACEY L. GRIFFIN, M.A.
PRINCIPAL INVESTIGATOR
PROJECT NO. 31197



Key West Historic District, 1970 (expanded 1982).

MASTER LIST OF SURVEYED BUILDINGS BY ADDRESS
COMPILED FROM THE FDHR STRUCTURE ROSTER, THE 1982 NR NOMINATION, AND THE 2011 HRS

PURPLE/TRIANGLE - 2011 HRS
 GREEN/CIRCLE - FDHR ROSTER
 YELLOW/DASH - 1982 NR NOM

	SITE ID	SITE NAME	ST NO.	ST DIR	ST NAME	ST TYPE	SURV NO.	YEAR BUILT	STYLE	SURV EVAL	SURV DIST	SURV LOCAL	SHPO EVAL	NR LISTED
●	MO00751	311 PEACON LANE	311		PEACON	LN	11157	c1886	Other	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
●	MO03169	CRUZ, JOHN D HOUSE	312		PEACON	LN	11157	c1933	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
▲	MO05596		313		PEACON	LN		1933	Frame Vernacular	Not Eligible for NRHP	Contributing to KWHD	Contributing to KWHD		
●	MO00752	EBENSTEN, HANNS HOUSE	314		PEACON	LN	11157	c1906	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
●	MO00753	HARDING, HILLARY HOUSE	315		PEACON	LN	11157	c1889	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
●	MO00754	DESEL, WALTER HOUSE	316		PEACON	LN	11157	c1906	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
●	MO00755	WEITHAS, RICHARD AND LOUISE HOUSE	317		PEACON	LN	11157	c1890	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
●	MO01167	RUSSELL & PEACON HOUSE	320		PEACON	LN	11157	c1866	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
●	MO00756	CURRY, C D, SR HOUSE	321		PEACON	LN	11157	c1889	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
●	MO00757	WALLACE, G P & L A HOUSE	325		PEACON	LN	11157	c1906	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
●	MO00758	METGGER, RUBY HOUSE	327		PEACON	LN	11157	c1899	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
●	MO00759	RUSSELL AND FAULKNER HOUSE	328		PEACON	LN	11157	c1874	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
▲	MO05597		329		PEACON	LN		1933	No Style	Not Eligible for NRHP	Non Contributing to KWHD	Non Contributing to KWHD		
●	MO00749	FUNSTAD, JANE SMART HOUSE	307		PEACON	ST	11157	c1906	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
—			700		PEARL	ST	1982 Exp				Altered Contributing to KWHD			
●	MO02530	WEGMAN, A HOUSE	702		PEARL	ST	11157	c1920	Frame Vernacular	Ineligible for NRHP	Potential contributor to NR district	Eligible for local register	Not Evaluated by SHPO	
—			806		PEARL	ST	1982 Exp				Non Contributing to KWHD			

State of Florida
County of Monroe.

I do hereby certify that on this December 13th, 1937, before me the the undersigned authority, personally appeared Rosa Cruz and Julia Mingo, to me known and known to me to be the persons described in and who executed, the foregoing instrument and acknowledged that they executed the same for the uses and purposes therein set forth-

In witness whereof I have hereunto set my hand and notarial seal the date above writ

(Notarial Seal)

(SD) Enrique Esquinaldo, Jr.
Notary Public, State of Florida at Law
My Commission Expires July 23, 1941

Filed & Recorded December 14th A. D. 1937
at 10:00 a.m.

ROSS C. SAWYER, Clerk

a.ms. By: Flourence E Sawyer D.C.

WARRANTY DEED (Statutory)

THIS INDENTURE, Made this 29th day of November, A. D., 1937 BETWEEN Marian Fleitas a widow, nee Marian Albury, sole surviving heir of Joseph Albury, deceased, of the County of Dade in the State Florida, party of the first part, and Allen E. Curry, of the County of Monroe in the State of Florida, party of the second part, - - -

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten Dollars and other valuable consideration, to her in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns, forever, the following described land, situate, lying and being in the County of Monroe and State of Florida, to-wit:

On the Island and in the City of Key West, and known and designated on a plan of subdivision of Lot One (1) in Square Twenty-two (22), which said plan is recorded in Book D, at page 205 of the public records of Monroe County, Florida, as a part of Lot Number Six (5).

Commencing at a point on the Northeastern side of a certain fifteen-foot lane, which said point is distant Northwesterly, eighty-two (82) feet from the corner of said lane and Eaton Street, running thence, in a Northwesterly direction, along said lane, to the corner of said Lot Six (6); thence at right angles in a Northeasterly direction, along the dividing line between Lot Six (6) and Lot Seven (7), ninety-three (93) feet, more or less to the corner of said Lot Six (6); thence at right angles, in a Southeasterly direction, along the Northeastern boundary line of said Lot Six (6), to the corner of said Lot Six (6); thence at right angles, in a Southwesterly direction along the dividing line between said Lot Six (6) and Lot Five (5), forty-six (46) feet and six (6) inches; thence at right angles, in a Northwesterly direction, and parallel with said fifteen-foot lane, twenty-four (24) feet and six (6) inches; and thence at right angles, in a Southwesterly direction and parallel with Eaton Street, to the point or place of beginning.

Being a part of the premises conveyed to the said party of the first part by Joseph Albury and his wife, Francis by deed dated June 21, 1883 and recorded in the public records of Monroe County, Florida, in Deed Book L, pp 295-296

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the law-claims of all persons whomsoever

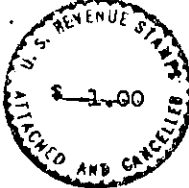
IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written

Signed, sealed and delivered in presence of

(sd) Marian Fleitas (seal)

(sd) Ernest P. Roberts

(sd) Fannie Redd



G 7
Page #17

ALLEN E

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AND I FURTHER CERTIFY, That the said RUBY C. SAWYER known to me to be the wife of the said BERTRAM D. SAWYER on a separate and private examination, taken and made in the above named State and County by and before me, separately and apart from her said husband, did this day acknowledge before me, an officer authorized to take acknowledgments of deeds, that she executed the foregoing deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband.

WITNESS my hand and official seal this 15th day of April, A. D. 1943.

(Notarial Seal)

(sd) Thomas S. Caro
Notary Public, State of Florida at Large,
My commission expires July 17th, A.D. 1943.

Filed & Recorded June 3rd, A.D. 1943 -
at 4:00 P.M.

ROSS C. SAWYER, Clerk

By: *Fannie E. Sawyer* D.C.

THIS INDENTURE, Made this 3rd day of June, A. D. 1943, BETWEEN Fannie E. Redd, joined herein by her husband, J. D. Redd of the County of Dade and State of Florida parties of the first part, and Mc Kinley E. Bennett of the County of Monroe and State of Florida party of the second part, WITNESSETH That the said parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations ~~Delivered~~ to them in hand paid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and transferred, and by these presents do grant, bargain, sell and transfer unto the said party of the second part, and his heirs and assigns forever, all that certain parcel of land lying and being in the County of Monroe, and State of Florida, more particularly described as follows:



In the City of Key West and known and designated on a Plan of a Subdivision by W. R. Hackley, Recorded in Deed Book "D, page 205," Monroe County Florida Public Records as part of Subdivisions Five (5) and Six (6) of part of Lot One (1) in Square Twenty-two (22). Beginning at the Corner of Eaton Street and a 15 foot Lane (Now Peacon's Lane) and running thence parallel with William Street and One Hundred and Eighty-six (186) feet therefrom, more or less, and along said Lane in a Northwesterly direction Eighty-two (82) feet; thence at right angles in a Northeasterly direction Fifty-five (55) feet, more or less; thence at right angles in a South Easterly direction Eighty-two (82) feet to Eaton Street; thence at right angles in a Southwesterly direction along Eaton Street Fifty-five (55) feet, more or less, to the place of beginning at the Corner of Eaton Street and said 15 foot Lane.

(\$3.00 F.D.T.S. Attached & Cancelled)

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining: TO HAVE AND TO HOLD the same in fee simple forever.

And the said parties of the first part do covenant with the said party of the second part that they are lawfully seized of the said premises, that they are free from all incumbrances and that they have good right and lawful authority to sell the same; and the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals, the day and year above written.

Signed, sealed and delivered in presence of us:)
(sd) Paul Dosver)
(sd) A E Campbell)
Witnesses as to both signatures.

(sd) Fannie E. Redd (Seal)
(sd) J D Redd (Seal)

353
612

STATE OF FLORIDA } ss.
COUNTY OF DADE }

I HEREBY CERTIFY, That on this 3rd day of June A. D. 1943, before me personally appeared Fannie E. Redd and J. D. Redd her husband, to me known to be the persons described in and who executed the foregoing conveyance to McKinley E. Bennett and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned; and the said Fannie E. Redd the wife of the said J. D. Redd, on a separate and private examination taken and made by and before me, and separately and apart from her said husband, did acknowledged that she made herself a party to the said Deed of Conveyance for the purpose of renouncing, relinquishing and conveying all her right, title and interest, whether of dower or of separate property, statutory or equitable, in and to the lands therein described, and that she executed said deed freely and voluntarily, and without any constraint, fear, apprehension or compulsion of or from her said husband.

WITNESS my signature and official seal at Homestead in the county of Dade and State of Florida, the day and year last aforesaid.

(Notarial Seal)

(sd) A E Campbell (Seal)
Notary Public, State of Florida at Large
My Commission Expires:
Notary Public, State of Florida at large,
My commission expires Jan. 29, 1946.
Bonded by American Surety Co. of N. Y.

Filed and Recorded June 4th, A. D. 1943
at 12:00 Noon
ROSS C. SAWYER, Clerk
By: *Thomas E. Sawyer* D.C.

4143

THIS INDENTURE,

Made this 5th day of May, A. D. 1943. BETWEEN Emory L. Pierce and Kathleen W. Pierce of the County of Dade, in the State of Florida, parties of the first part, and Daniel A. Garcia of the County of Monroe, in the State of Florida, party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten dollars and other valuable considerations Dollars, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, situate, lying and being in the County of Monroe, State of Florida to-wit:

On the Island of Key West and known on the Key West Realty Company's subdivision # 1, of Tract 21, and Salt pond Lots, 1, 2, 3, 4, and 5 as Lot Number Two (2), Square three (3)
The diagram of said subdivision is recorded in Plat Book # 1, page 43, Monroe County Records.



(30¢ F.D.T.S. Attached & Cancelled)

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in presence of us)	
(sd) Phyllis A. Manning	(sd) Emory L. Pierce (LS)
(sd) Mary E. L. Semple	(LS)
(sd) Phyllis A. Manning	(sd) Kathleen W. Pierce (LS)
(sd) Mary E. L. Semple	(LS)

*Ord. I abolished and
repealed by Ord 6929
7/9/69*

Chapter 32

ZONING*

Art. I. In General, §§ 32-1—32-31

Art. II. Airport Zoning, §§ 32-32—32-48.

Article I. In General

Sec. 32-1. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meaning herein indicated:

Generally. Words used in the singular number include the plural and vice versa, and the word "building" includes the word "structure."

Accessory building. A subordinate building, which is located on the same lot as the main building or on an adjacent lot, the use of which building is clearly incidental to the use of the main building.

Advertising signs, generally. A posted advertisement which does not apply to premises or any use of premises whereon such sign is located.

Alley. Any roadway, place or public way dedicated to public use and twenty feet or less in width.

Apartment house. A building which is used or intended to be used as a home or residence for more than two families, living in separate apartments.

Apartment garage. A dwelling with living quarters on the second floor above a "private garage."

Apartment hotel. An apartment building, under resident supervision, which maintains an inner lobby through which all tenants must pass to gain access to the apartment, and which may furnish dining room service.

Billboard. A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises whereon it is displayed.

*Annotation—For case construing sections of zoning ordinance, see State ex rel Lacedonia v. Harvey, et al., 68 So. (2d) 818.

State law reference—For state law as to municipal zoning, see Florida Statutes, ch. 176, Supp. No. 1

CASE NO. 79-1044CA 479

PLAINTIFF'S EX #7

DATE 11-26-80

Boardinghouse. A building other than a hotel, where lodging and meals, for five or more persons, are provided and served for compensation.

Building area. The aggregate of the maximum horizontal cross section area of a building on a lot, excluding cornices, eaves, or gutters projecting not more than thirty inches, steps, one story open porches, bay windows not extending through more than one story and not projecting more than five feet, chimneys, balconies and terraces.

Building height. The height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof; provided, that chimneys, spires, towers, elevator penthouses, tank and similar projections shall not be included in the height.

Carport. A carport is a structure under roof open on at least two sides.

Club, private. The term "private club" shall pertain to and include those associations and organizations of a fraternal or social character, not operated or maintained for profit. "Private club" shall not include casinos, nightclubs or other institutions operated as a business.

Family. One or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, a lodging house or hotel as herein defined.

Fowl. Any guineas, peafowls, pheasants or pigeons.

Garage, community. A series of private garages, not more than one story in height, located jointly on a parcel of land under a single or joint ownership.

Garage, mechanical. Any premises where automotive vehicles are mechanically repaired, rebuilt or reconstructed, except those described as a private storage garage and except duly authorized agencies for the sale of new automobiles.

Garage, private. A garage building separate and apart from the principal residential building and in which no business, service or industry connected directly or indirectly with motor vehicles is carried on.

Garage, storage. Any premises, except those described as a private garage, used for the storage only of automotive vehicles, or where any such vehicles are kept for remuneration, hire or sale.

Gasoline and oil filling stations. A structure or place where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade, but no mechanical service performed.

Hotel. A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are twenty-five or more sleeping rooms of not less than one hundred ten square feet in area each, with no provision made for cooking in any individual room or apartment.

Lot, area. A parcel of land occupying, or designed to be occupied, by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may be or may not be the land shown as a lot on a duly recorded plat.

Lot, corner. A lot abutting on two or more streets at their intersection.

Lot, interior. A lot other than a corner lot.

Lot, depth. The depth of a lot is the mean distance from the front street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Main building. The principal building on the lot which determines the character of lot use.

Multiple dwelling or apartment. A building, not a single-family dwelling or a two-family dwelling, designed for and occupied exclusively for dwelling purposes.

Nonconforming use. A nonconforming use is a use which does not comply with the regulations of the district use in which it is situated.

Place of business. Any building, vehicle, structure, yard, lot, premises or part thereof or any other place in which one or more persons are engaged in gainful occupation.

Poultry. Any chickens, turkeys, ducks or geese.

Public garage. A building, other than a private or a community garage, one or more stories in height used for the storage and repair of automobiles.

Residence, one family. A building originally designed to be permanently left on its foundations and used or intended to be used as a home or residence, in which all living rooms are accessible to each other from within the building, and in which such living rooms are accessible without using a common entrance vestibule, stairway or hallway designed for more than one family, and in which the use, arrangement and management of all sleeping quarters, all appliances for cooking, ventilating, heating or lighting, other than public or community service, are under one control.

Residence, two family. A building used or intended to be used as a place of residence for not more than two families, with the same definition for each place of residence within the building, or upon the same lot as applies to "one family residence," as set out in the foregoing paragraph.

Restaurant. A building or room not operated as a dining room in connection with a hotel, where food is prepared and served for pay and consumption on the premises.

Rooming house. A residential building used, or intended to be used, as a place where sleeping or housekeeping accommodations are furnished or provided for pay to transient or permanent guests or tenants, in which less than ten and more than three rooms are used for the accommodations of such guests or tenants, but which does not maintain a public dining room or cafe in the same building, nor in any building in connection therewith.

Service station. A building where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade; also where battery, tire and other similar services are rendered.

Setback. A minimum distance between the street line and the front line or side line of a building excluding steps, terraces and overhead balconies.

Street. The word "street" as used hereafter in this chapter means a street over 20 feet in width.

Tent. Any structure or enclosure, the roof and one-half or more of the sides which are of silk, cotton, canvas or a light material.

Tourist cottage. A tourist cottage shall include, in addition to tourist cottages as they are commonly known, house cars, camp cars and trailers used for or adaptable to be used for living quarters.

Tourist park or camp. Any plot of ground upon which three or more single family camp cottages are located and maintained for the accommodation of transients by the day, week or month, where a charge is or is not made.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Yard, front. The required open space between the street line and the nearest part of any building on the lot, excluding cornices, eaves or gutters projecting not more than twenty-four inches, steps, one story open porches, porticoes, and bay windows not extending through more than one story and not projecting more than five feet beyond the main building; chimneys, open balconies, and terraces, except as otherwise stated.

Yard, rear. An unoccupied area extending across the full width of a lot between the rear line of any main building and the rear line of the lot, and measured at its least dimension.

Yard, side. An unoccupied area between a main building and the side line of the lot and extending from the street line to the rear yard, measured at its least dimension.

Yard, corner lots. For purposes of this chapter, corner lots shall be considered as having three side yards and one front yard. (Code 1952, § 34.1)

Sec. 32-2. Zoning map.

The city is hereby divided into districts according to the official zoning map on file in the office of the city clerk and a copy of which shall be on file in the office of the building official which map is hereby declared to be a part of this chapter.

Sec. 32-3. Districts generally.

Designated. For the purpose of this chapter, the city is hereby divided into classes of districts, which shall be designated as follows:

- Residence "AA" Districts.
- Residence "A" Districts.
- Residence "A-1" Districts.
- Residence "B" Districts.
- Residence "B-1" Districts.
- Residence "AB" Districts.
- Residence "C" Districts.
- Business "A" Districts.
- Business "A-1" Districts.
- Business "B" Districts.
- Industrial "A" Districts.

Sec. 32-4. Residence "AA" Districts.

In a Residence "AA" District, the following regulations shall apply:

- (a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used, for any of the following purposes and for no other:
 - (1) A one family residence which may include a private garage and attached structure designed for servants' quarters only; such one family residence includes every use not inconsistent therewith.

- (2) Signs, not more than five square feet in area, when placed in connection with the sale or rental of, or construction or improvement of such premises.
 - (3) Municipal recreation buildings, playgrounds, parks or reservations owned and operated by the city.
 - (4) Churches and other places of worship.
 - (5) Boat piers or slips for the docking of private yachts or small privately owned or used watercraft of any sort.
 - (6) The minimum size of buildings in Residence "A" Districts shall be 1200 square feet for all floors including garages and porches as one-half their actual areas.
- (b) *Building area.* The total ground floor area of all buildings shall not exceed 40 per cent of the lot area.
 - (c) *Front yards.* There shall be a front yard which shall have a depth of at least 20 feet.
 - (d) *Side yards.* There shall be two side yards, one on each side of the main building. In the case of lots 50 feet or more in width these yards shall be not less than seven feet each. Where lots are less than 50 feet in width each side yard may be reduced to a minimum width of not less than 15 per cent of the total width of the lot, but in no case shall any side yard be less than 5 feet. In the case of corner lots the side yard abutting the street shall be not less than 10 feet in width.
 - (e) *Rear yards.* There shall be a rear yard, the depth of which shall be at least 20 feet as measured from the main building.
 - (f) *Accessory buildings.* Not more than 25 per cent of the required rear yard shall be occupied by accessory building. No accessory building shall be within 30 feet of any street. If, however, such building shall

be within a side yard it shall not be erected nearer than 50 feet to the street on which the main building fronts. No accessory building shall be erected nearer than 5 feet to either the rear or side lot lines, except when they are designed in conformity with the architecture of the main building and only upon approval of the planning commission and provided they be not nearer to the side lot lines than the clearance required under subsection (d) of this section, nor closer than 20 feet from the front lot line, such buildings being not permitted to include apartments. (Code 1952, § 34.4)

Sec. 32-5. Residence "A" Districts.

In a Residence "A" District, the following regulations shall apply:

- (a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used, for any of the following purposes and for no other:
- (1) A one family residence which may include a private garage and attached structure designed for servants' quarters only; such one family residence includes every use not inconsistent therewith.
 - (2) Office of physician, dentist, surgeon or other professional person when located in the dwelling used by such person as his private residence, provided, that not more than twenty-five per cent of the floor area of such dwelling is used for such office.
 - (3) Signs, not more than five square feet in area, when placed in connection with the sale or rental, of, or construction or improvement of such premises.
 - (4) Municipal recreation buildings, playgrounds, parks or reservations owned and operated by the city.

- (5) Churches and other places of worship.
- (6) Boat piers or slips for the docking of private yachts or small privately owned or used watercraft of any sort.
- (b) *Building area.* The total ground floor area of all buildings shall not exceed 30 per cent of the lot area.
- (c) *Front yards.* There shall be a front yard which shall have a depth of at least 20 feet.
- (d) *Side yards.* There shall be two side yards, one on each side of the main building. In case of lots 50 feet or more in width these yards shall not be less than seven feet. Where lots are less than 50 feet in width each side yard may be reduced to a minimum width of not less than 15 per cent of the total width of the lot, but in no case shall any side yard be less than 5 feet. In the case of corner lots the side yard abutting the street shall be not less than 10 feet in width.
- (e) *Rear yards.* There shall be a rear yard, the depth of which shall be at least 20 feet as measured from the main building.
- (f) *Accessory buildings.* Not more than 25 per cent of the required rear yard shall be occupied by accessory buildings. No accessory building shall be within 30 feet of any street. No accessory building shall be erected nearer than 5 feet to either the rear or side lot lines. (Code 1952, § 34.3)

Sec. 32-6. Residence "A-1" Districts.

In a Residence "A-1" District, the following regulations shall apply:

- (a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used, for any of the following purposes and for no other:
 - (1) Any use as a one-family residence which may include a separate garage and such garage may in-

clude a garage apartment on the second floor only. The area of such a house when the garage is separate is to be not less than 700 square feet with porches counted as half their actual area. A single family residence may include a garage attached to the house but the floor area of the house must then be not less than 800 square feet with garages and porches counted as half their actual area. Such attached garage may include one garage apartment; provided, that off street parking is provided for at least two automobiles; also provided, that the same clearances as required under subsection (d) of this section are complied with.

- (2) Any two-family or four-family dwelling with not more than two families on any one floor and not more than two stories in height; provided, that the living area in each unit of such a multiple unit dwelling shall be not less than 550 square feet for a one bedroom apartment with 100 square feet additional for each additional bedroom, these areas to be exclusive of garage and porch space; and provided, that each unit of a duplex or four-plex dwelling shall have a front and rear entrance so arranged as to present no eyesore to the street; and provided, that plans for all multiple unit dwellings shall be presented to the planning commission for approval of external architectural arrangement; and provided, that all such multiple unit dwellings shall provide off street parking for space in the ratio of one automobile for each apartment; and provided, that this shall in no way be construed to allow any hotels, boarding-houses, tourist homes, rooming houses, tourist courts, tourist camps, motels, trailers, trailer camps or any use as a transient dwelling where rental occupants pay rent on any other basis than weekly, monthly, or longer units of time. Approval of plans by the planning commission

shall be contingent on their prior approval by the state hotel commission when dwellings are subject to the jurisdiction of that commission.

- (3) Signs, not more than five square feet in area, when placed in connection with the sale or rental of, or construction or improvement of such premises.
- (4) Municipal recreation buildings, playgrounds, parks or reservations owned and operated by the city.
- (5) Churches and other places of worship.
- (6) Boat piers or slips for the docking of private yachts or small privately owned or used watercraft of any sort.
- (7) Any building or use permitted in residence A districts.
- (b) *Building area.* The total ground floor area of all buildings shall not exceed 40 per cent of the lot area.
- (c) *Front yards.* There shall be a front yard which shall have a depth of at least 20 feet.
- (d) *Side yards.* There shall be two side yards, one on each side of the main building. In the case of lots 50 feet or more in width these yards shall be not less than seven feet each. Where lots are less than 50 feet in width each side yard may be reduced to a minimum width of not less than 15 per cent of the total width of the lot, but in no case of any lot to be less than 5 feet. In the case of corner lots the side yard abutting the street shall not be less than 10 feet in width.
- (e) *Rear yards.* There shall be a rear yard, the depth of which shall be at least 20 feet as measured from the main building.
- (f) *Accessory buildings.* Not more than 25 per cent of the required rear yard shall be occupied by accessory buildings. No accessory building shall be within 30 feet

of any street. No accessory building shall be erected nearer than 5 feet to either the rear or side lot lines, except when they are designed in conformity with the architecture of the main building and only upon approval of the planning commission and provided they be not nearer to the side lot lines than the clearance required under subsection (d) of this section nor closer than 20 feet from the front lot line, such buildings being not permitted to include apartments. (Code 1952, § 34.5; Ord. No. 566, § 1, 5-21-56)

Sec. 32-7. Residence "B" Districts.

In a Residence "B" District, the following regulations shall apply:

- (a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used for any of the following purposes and for no other:
- (1) Any building or use permitted in the preceding Residence "A" District.
 - (2) Every use as a two-family residence, including two private garages which may include two accessory apartments attached thereto designed for servants' quarters only.
 - (3) Every use as a secondary or subordinate single-family residence or one-family garage apartment on the rear portion of a lot; provided, that there is one single-family residence on the front portion of such lot.
 - (4) Buildings of civic assembly, club, lodge or community house, except where the principal activity is one customarily carried on as a business.
 - (5) Educational, religious or philanthropic uses, including dormitories, except correctional institutions.

- (6) Professional offices which would be in the best interest of public health and welfare, said professions to be approved or disapproved upon application to the planning commission and to be further approved or disapproved by the city commission; private hospitals having not over 30 beds.
- (7) Boardinghouses having not more than 12 sleeping rooms.
- (8) A multiple dwelling or apartment house or hotel; providing, that such building shall not have an aggregate gross area of all floors greater than the area of the lot.
- (9) Plant and tree nurseries provided no stock is offered for sale within 15 feet of the front lot line.
- (b) *Building area.* The total ground floor of all buildings shall not exceed 35 per cent of the lot area.
- (c) *Front yards.* There shall be a front yard which shall have a depth of at least 15 feet; provided, that a variance of front yard setback restrictions for the construction of a single-family building approximately 6 feet from the property line of part of Tract 5, Island of Key West, known as 749 Windsor Lane, Key West, Florida, shall be permitted.
- (d) *Side yards.* There shall be two side yards, one on each side of the main building, neither of which shall be less than 5 feet; provided however, that in the case of a corner lot the side yard abutting the street shall not be less than 10 feet.
- (e) *Rear yards.* There shall be a rear yard the depth of which shall be at least 20 feet measured from the main building.
- (f) *Accessory buildings.* Not more than 25 per cent of the required rear yard shall be occupied by accessory buildings. No accessory building shall be within 25 feet of any street. If, however, such building shall be within a side yard, it shall not be erected nearer than 50 feet to the street on which the main building fronts. No accessory building shall be erected nearer than 21½ feet to either the rear or side lot lines, except in the case of garage apartment or servant's quar-

ters which shall not be erected nearer than 5 feet to either the rear or side lot lines; provided, that a variance of setback restrictions for the construction of a building connecting two existing buildings, which original buildings are closer to the property line than existing side yard setback restrictions permit, on part of Lot 21, Square 1, Tract 27, 1410 Newton Street shall be permitted. (Code 1952, § 34.6; Ord. No. 790, § 1, 1-17-62; Ord. No. 65-31, § 1, 9-1-65)

Amendment note—Ord. No. 790, § 1, 1-17-62, amended § 32-7(b) by increasing the total ground area from 30% to 35%. Ord. No. 65-31, § 1, amended § 32-7(a)(6) to delete a provision which had required a 30 foot setback from adjacent side yard property for private hospitals having not over 30 beds.

Sec. 32-8. Residence "AB" Districts.

In the apartment house and Hotel "AB" Districts, the following regulations will apply:

- (a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used, for any of the following purposes and for no other:
- (1) Any building or use permitted in the preceding Residence "A" and Residence "B" Districts.
 - (2) Every use as an apartment house or multiple dwelling.
 - (3) Apartment-Hotel Building.
 - (4) Hotels.
 - (5) Hospitals and sanitariums; provided, that they are located not less than 30 feet from adjacent side property lines.
 - (6) Community garages; provided, that they are erected not less than 35 feet from the nearest street curb line and no part of such building shall be nearer than 2½ feet of any property lot line; provided further, that a garage for more than five cars shall be at least 5 feet from each

lot line except a rear lot line; and provided further that the location and the plans and specifications of buildings or other improvements to be placed thereon are first approved by the planning commission of the city.

- (7) Parking lots; provided, that no vehicle shall be parked in a front yard area of at least 10 feet in depth and a side lot area having a minimum depth of 5 feet; further provided, that any type of improvement to be placed thereon, other than paving, shall be first approved by the planning commission and the city commission.
- (8) Buildings of civic assembly.
- (9) Public art gallery, public library, public museum.
- (b) *Building area.* The building area shall not exceed 50 per cent of the lot area.
- (c) *Front yards.* There shall be a front yard which shall have a depth of at least 10 feet.
- (d) *Side yards.* For buildings other than residences there shall be two side yards, one on each side of the main building. Each side yard shall have a minimum width of 8 feet; provided, however, that in the case of a corner lot the side yard abutting the street shall not be less than 10 feet; provided further, that any portion of a building having an elevation above 40 feet shall be set back from the side and rear lot lines, an additional distance of one foot horizontally for each additional 10 feet in height of the building. Residences in Residence "AB" Districts, shall have same side yard requirements that are applicable in Residence "C" Districts. (See subsection (d), Residence "C" District.)
- (e) *Rear yards.* There shall be a rear yard, the depth of which shall be at least 10 feet for motels, apartment houses or hotels. Single-family residence shall conform to setbacks of Residence "C", which shall be 20 feet for rear yard; provided, also, that no acces-

sory building shall be within 21½ feet of the rear or side lot lines, except in the case of a garage apartment or other living quarters which shall not be erected nearer than 5 feet to either the rear or side lot lines; provided, that a variance of rear yard setback restrictions for the erection of a garage on the property line of Lot 1, Block 10, Tract 17, Island of Key West, Florida, shall be permitted.

- (f) *Accessory buildings.* Not more than 25 per cent of the required rear yard shall be occupied by accessory buildings. (Code 1952, § 34.8; Ord. No. 412, §§ 2, 3, 10-5-53; Ord. No. 450, § 1, 7-19-54)

Sec. 32-9. Residence "C" Districts.

In a Residence "C" District, the following regulations shall apply:

- (a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used for any of the following purposes and for no other:
- (1) Any building or use permitted in the preceding Residence "B" District.
 - (2) Community garage; provided, that the location and the plans and specifications of buildings or other improvements to be placed thereon are first approved by the planning commission and the city commission.
 - (3) Tourist cabins; provided, that they comply with the rules and regulations of the Florida state board of health and the state hotel commission.
 - (4) Retail stores and salesrooms.
 - (5) Funeral parlors and mortuaries.
 - (6) Poultry and fowl may be kept, bred and maintained; provided, that they are confined within an area not in excess of 30 per cent of the lot area or the premises; provided further, that the person keeping such poultry or fowl shall remove

same from such premises within thirty days after half of the residents within 100 feet of the place where such poultry or fowl are kept shall have filed with the building inspector written objections to the keeping of such poultry or fowl on the grounds that same is a nuisance.

- (b) *Building area.* The building area shall not exceed 50 per cent of the lot area.
- (c) *Front yards.* There shall be a front yard which shall have a depth of at least 10 feet; provided, that a variance of setback restrictions for the construction of a building five feet from the front and back property lines, on lot 16, square 1, tract 12, 806 Catherine Street, shall be permitted.
- (d) *Side yards.* There shall be two side yards, one on each side of main building, neither of which shall be less than 5 feet; provided however, that in the case of a corner lot, the side yard abutting the street shall not be less than 10 feet.
- (e) *Rear yards.* There shall be a rear yard, the depth of which shall be at least 20 feet as measured from the main building; provided, that a variance of setback restrictions for the construction of a building five feet from the front and back property lines, on lot 16, square 1, tract 12, 806 Catherine Street, shall be permitted.
- (f) *Accessory buildings.* Not more than 25 per cent of the required rear yard shall be occupied by accessory buildings. No accessory building shall be within 20 feet of any street. No accessory building shall be erected nearer than $21\frac{1}{2}$ feet to either the rear or side lot lines, except in the case of a garage apartment or other living quarters which shall not be erected nearer than 5 feet to either the rear or side lot lines. (Code 1952, § 34.7; Ord. No. 412, 10-5-53)

Sec. 32-10. Residence "B-1" Districts.

In Residence "B-1" District, the following regulations shall apply:

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- (a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used for any of the following purposes and for no other:

(1) Any building or use permitted in the preceding Residence "B" District.

- (b) *In general.* The restrictions in regard to total ground floor of building, depth of front, side and rear yards shall be the same as found in the restrictions applicable to Residence "B". (Code 1952, § 34.9)

Sec. 32-11. Garages and carports location.

It shall be unlawful for any person to construct any carport having a roof line less than 1 foot from property lines in residential districts of the city. (Ord. No. 535, § 1, 10-3-55)

Sec. 32-12. Business "A" Districts.

In a Business "A" District, the following regulations shall apply:

- (a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used for any of the following purposes and for no other:

(1) Apartment house, apartment hotel or hotels; provided, that the ground floor area of which is used for any of the following hereinafter mentioned permissible Business "A" uses, except that a lobby of the apartment house, apartment hotel or hotel may be located on the ground floor.

(2) Retail stores, salesrooms and billiard parlors provided each billiard parlor has installed at least fifteen (15) billiard tables and provided no alcoholic beverages are sold, served and/or consumed on the said premises.

(3) Professional, financial, and commercial offices, banks, restaurants and similar uses.

(4) Manufacturing incidental and accessory to the preparation of articles sold at retail on the premises if not occupying more than 25 per cent of the floor space.

- (5) Buildings of civic assembly.
- (6) Theaters and motion picture houses.
- (7) Community garage; provided, that it is set back at least 50 feet from the nearest street.
- (8) A one-family residence, provided that there shall be a front yard which shall have a depth of at least 15 feet and two side yards which shall be not less in width than 15 per cent of the total width of the lot, but in no case less than 5 feet on either side of the building, and a rear yard of not less than 15 feet as measured from the main building; provided further that in Business "A" Districts the construction of residences shall conform in all other respects to the requirements as set forth in section 32-5 of this Code.
- (9) Printing and publishing houses.
- (b) *Building area.* The area of any one floor of a building used for residential purposes shall not exceed 60 per cent of the lot area.
- (c) *Rear yards.* There shall be a rear yard, the depth of which shall be at least 5 feet. Any portion of a building having an elevation above 30 feet shall be set back from the rear lot line an additional distance of two feet horizontally for each additional 10 feet in height of the building.
- (d) *Set back.* Any portion of a building having an elevation above 30 feet shall have a minimum set back at or below the 30 foot level of 5 feet from the side lot line and also an additional set back of one foot horizontally for each additional ten feet by which the height exceeds 50 feet.
- (e) *Accessory buildings.* Not more than 50 per cent of the required rear yard shall be occupied by accessory buildings. No accessory building shall be within 2½ feet of the rear lot lines. (Code 1952, § 34.10; Ord. No. 423,

§ 1, 12-21-53; Ord. No. 434, § 1, 3-15-54; Ord. No. 484,
 § 1, 2-21-55; Ord. No. 706, § 1, 12-1-58; Ord. No. 845,
 § 1, 4-3-63)

Amendment note—Section 32-12 was amended by § 1 of Ord. No. 706 enacted on December 1, 1958, to delete subparagraph (6) from subsection (a) relating to gasoline filling stations; the remainder of the subparagraphs were renumbered to keep numerical order. Inasmuch as paragraph (c) was reserved on basic codification, the editors deleted same and re-lettered subsequent paragraphs as hereinabove set out. Ord. No. 845, § 1, 4-3-63 amended § 32-12(a)(2) by adding all that following "salesrooms."

Cross reference—Restrictions on sale of alcoholic beverages, § 4-2.

Sec. 32-12.1. Business "A-1" Districts.

In Business "A-1" Districts, the following regulations shall apply:

(a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used for the following purposes and for no other:

- (1) One-family residences which may include a separate private garage and servant quarters on the premises. Minimum square feet area 1000 square feet, exclusive of porches, carports, garage, servants' quarters, or steps. Offstreet parking must be provided.
- (2) Apartment house, apartment hotel, hotel or motel; provided, the ground floor area of which is used for any of the following hereinafter mentioned permissible restricted business uses. Provided further, that apartment buildings have a minimum floor space for each floor of 2000 square feet, and parking space of 200 square feet must be provided for each apartment. Motels have a minimum floor area of 2000 square feet for each floor, and parking space of 200 square feet for each unit. Hotels must have a minimum floor space of 2000 square feet for each floor, and 200 square feet parking area to be provided for each three sleeping rooms. Cocktail lounges or bars located in hotels or motels shall be sound proofed or air conditioned and said lounges or bars shall not have outside entrances but shall have ingress and egress from within the hotel or motel structure.

- (3) Professional offices, commercial offices, i. e., insurance, banks, etc., salesrooms and restaurants. Provided, that there be a minimum floor space of 2000 square feet for any building, and one parking berth for each 200 square feet of floor space. Cabanas and swimming pools.
 - (4) Municipal recreation buildings, playgrounds, parks, swimming pools, or reservations owned, operated or leased by the city, provided necessary parking area for type of recreation is furnished.
 - (5) Buildings of civic or religious assembly, one parking berth for each 200 square feet of floor space.
 - (6) Theaters and motion picture houses, except drive-in theaters, provided one automobile parking space is provided for each five seats.
- (b) *Setbacks for parking areas.* A twenty (20) foot setback from the property line or existing curb line of the south side and north side of North Roosevelt Boulevard is required to provide parking areas.
- (c) *Rear yards.* There shall be a rear yard the depth of which shall be at least seven (7) feet. Any portion of a building having an elevation above thirty (30) feet shall be set back from the rear lot line an additional distance of two (2) feet horizontally for each additional ten (10) feet in height of the building.
- (d) *Building set-back.* Buildings shall have side set-backs of five feet.
- (e) *Accessory buildings.* Not more than fifty per cent of the required rear yard shall be occupied by accessory buildings. No accessory building shall be within five feet of the rear lot lines.
- (f) *Submission of plans.* The nature and type of business, as well as the plans for the construction to house such business and the required set-back of not less than thirty feet, must be submitted to the planning commission for its approval and then to the city plan board for approval prior to the time building permit

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for construction of said building is issued. (Code 1952, § 34.101; Ord. No. 370, § 3, 9-22-52; Res. No. 53-61, § 1, 8-10-61; Res. No. 44-61, § 1, 4-13-61)

Amendment note—Res. No. 53-61, § 1, 8-10-61, amended § 32-12.1(a) (2) by deleting the words; “except that a lobby of the apartment house, apartment hotel or motel may be located on the ground floor.” Res. No. 44-61, § 1, 4-13-61, amended § 32-12.1(b),(c) by reducing front and side yard setbacks.

Sec. 32-13. Business “B” Districts.

In a Business “B” District, the following regulations shall apply:

- (a) *Uses permitted.* A building may be erected, altered, arranged, designed or used, and a lot or premises may be used for any of the following purposes and for no other:
- (1) Any building or use permitted in Business “A” District.
 - (2) Apartment and multiple-family dwelling.
 - (3) Hotels having 25 or more sleeping rooms.
 - (4) Public garages for the storage of automobiles and for the repair of same.
 - (5) Manufacturing when not occupying more than the ground floor area of the building.

- (6) Funeral parlors and mortuaries.
- (7) Buildings and premises for amusement and entertainment.
- (8) Storage and marine warehouses.
- (9) Boat slips, docks and marine railways.
- (10) Poultry markets where fowl are kept for sale only.
- (11) Gasoline filling stations.
- (b) *Building area.* The building area of a building used in whole or part as a dwelling shall not exceed 60 per cent of the lot area.
- (c) *Front yards.* A setback of the dwelling or a front yard of at least 6 feet is required, which may be used for an open areaway and overhung by a balcony or a projecting shelter, which shall not be supported by columns or other means other than at the building wall itself.
- (d) *Side yards.* Dwellings shall conform to the side yard regulations for Residence "C" Districts, namely:
 - (1) In case of a dwelling there shall be two side yards, one on each side of the main building, neither of which shall be less than 5 feet; provided, however, that in the case of a corner lot the side yard abutting the street shall not be less than 10 feet.
- (e) *Rear yards; accessory buildings.* There shall be a rear yard, the depth of which shall be at least 5 feet. Where the height of a building is over 30 feet, this depth shall be increased 5 feet for each 10 feet, or portion thereof, by which the height exceeds 30 feet. In Business "B" Districts not more than 50 per cent of the required rear yard shall be occupied by accessory buildings.

- (f) *Height of buildings.* The height of any building shall not exceed 150 feet. A four foot or less parapet wall shall not be included in determining the height. (Code 1952, § 34.11; Ord. No. 706, § 2, 12-1-58)

Amendment note—Section 2 of Ord. No. 706 enacted on December 1, 1958, amended § 32-13 hereof to add item (11) to subparagraph (a).

Sec. 32-14. Industrial "A" Districts.

In an Industrial "A" District, the following regulations shall apply:

- (a) *Uses permitted.* A building may be erected, altered, designed or used, and a lot or premises may be used for any of the following purposes and for no other:
- (1) Any manufactory occupying one or more floors of a building except any trade, business or industry that is noxious or offensive by reason of the emission of odor, dust, vapor, smoke, gas, noise or vibration unless approved by the zoning board.
 - (2) Any building or use permitted in Residence "C" District.
- (b) *Building area.* The building area of a building used in whole or part as a dwelling shall not exceed 50 per cent of the lot area.
- (c) *Front, side and rear yards.* Dwellings shall conform to the front, side and rear yard regulations for Residence "C" Districts, namely:
- (1) In case of a dwelling, there shall be a front yard which shall have a depth of at least 10 feet.
 - (2) In case of a dwelling, there shall be two side yards, one on each side of the main building, neither of which shall be less than 5 feet; provided however, in the case of a corner lot the side yard abutting the street shall not be less than 10 feet.

§ 32-14

ZONING

§ 32-14

- (3) In case of a dwelling, there shall be a rear yard, the depth of which shall be at least 20 feet as measured from the main building.
- (4) In case of a dwelling, not more than 25 per cent of the required rear yard shall be occupied by accessory buildings.
- (5) In case of a dwelling, no accessory building shall be within 20 feet of any street. No accessory building shall be erected nearer than $2\frac{1}{2}$ feet to either the rear or side lot lines, except in the case

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of a garage apartment or other living quarters which shall not be erected nearer than 5 feet to either the rear or side lot lines.

- (d) *Rear yards.* There shall be a rear yard the depth of which shall be at least 15 feet. In Industrial "A" Districts, not more than 50 per cent of the required rear yard shall be occupied by accessory buildings. (Code 1952, § 34.12)

Sec. 32-15. Changes, by planning commission; hearings, notice.

The planning commission of the city, duly appointed and acting, is hereby authorized and directed to hold all preliminary public hearings, after fifteen days' notice, on any proposed changes to the zoning regulations and restrictions of said city, and shall make recommendations to this commission after said hearings are held, for action by this commission, after notice has been given by this commission for a hearing to be held at the time the ordinance affecting the changes recommended by the planning commission is read on its final reading. (Ord. No. 408, § 1, 9-8-53)

Sec. 32-16. Subdivision development plan.

REPEALED BY
ORD. No. 065-01

The owner of any subdivided or undeveloped land not less than three acres in area or of subdivided areas of not less than two acres under their control, shall submit to the planning commission of the city a development plan or subdivision plat for preliminary approval by said commission. Such development plan or subdivision plat shall show the following:

- (a) Topography.
- (b) Existing and proposed streets and buildings lines, with provision for sixty (60) feet minimum right-of-way, with thirty (30) feet wide surface treatment, curbing and four (4) feet wide sidewalks, according to specifications and grade acceptable to the city.
- (c) Relation to surrounding subdivision or connecting streets or thoroughfares.
- (d) Storm and sanitary sewer engineering plan, with 12 inch minimum storm drains, and 8 inch minimum sanitary sewers of materials, grade, and connecting planning with adjacent properties approved by the city.

- (e) Parks and other public or private permanent open spaces, however, subdividers shall not be required to dedicate any areas for parks or children's playgrounds unless said undeveloped land exceeds eight (8) acres in area.
- (f) Size of lots (said lots to have a frontage of not less than 50 feet and a minimum area of not less than 5000 square feet). Provision for three foot easements, as required, across individual lots for public utilities.

It shall be the duty of such planning commission to carefully examine said development plan or subdivision plat as regards its nature and purpose; the principal width, character and location of such streets and alleys and such subdivisions, and size, material, manner of laying water mains, storm and sanitary sewer lines, and then transmit such development plan or subdivision plat, with all plans and data, to the city commission with its recommendations thereon in writing, and the city commission, with the assistance of the city manager and the city attorney, shall also carefully examine said development plan or subdivision plat to determine if same meets the requirements set forth in this section before approving same by resolution, and the city clerk of the city shall cause to be delivered all development plans or subdivision plats so approved to the proper county officials for recording in the public records of Monroe County, Florida. (Code 1952, § 34.13; Ord. No. 586, § 1, 9-17-56; Ord. No. 809, § 1, 8-1-62)

Amendment note—Ord. No. 809, § 1, 8-1-62, amended § 32-16(b) by adding the requirement for sidewalks and curbing, and § 32-16(e), by removing the requirement for at least 5% for parks unless the area exceeds 8 acres.

Sec. 32-17. Undeveloped districts.

REPEALED BY ORD. No. 065-01

Tracts of more than 3 acres, not subdivided into building lots at the time of the adoption of these regulations, and used as woodland or for other purposes, which do not permanently determine the legal quality of these areas for various purposes, shall be classed as undeveloped districts. (Code 1952, § 34.14)

Editor's note—The ordinance from which this section was derived was enacted May 28, 1940.
Supp. No. 2

Sec. 32-18. Excavations and fills, approval of plans.

Any person causing the filling of land, or excavation of land in subdivisions now in existence or in areas over one-quarter acre in size, shall submit plans for such proposed fill or excavation to the building official, and such plans must be approved by the said building official prior to the actual commencement of operations. That for the cost of inspection of said filling or excavation, the applicant shall pay to the City of Key West, Florida, the sum of \$5.00 for each \$1,000.00, or fraction thereof, for the cost of fill or excavation. (Code 1952, § 8.14; Ord. No. 500, § 1, 5-2-55; Ord. No. 892, § 1, 4-15-64)

Amendment note—Ord. No. 892, § 1, 4-15-64, amended § 32-18 by decreasing the land area from $\frac{1}{2}$ to $\frac{1}{4}$ acre and by providing for inspection, etc.

Cross reference—For provisions relating to excavations, see chs. 23 and 27.

Sec. 32-19. Existing buildings and uses.

Nothing in this chapter shall effect the existing use of any building, lot or premises, or the height or yards of any building as such now exist. (Code 1952, § 34.15)

Editor's note—The ordinance from which this section was derived was enacted May 28, 1940.

Sec. 32-20. Reduction of lot area.

No lot area shall be so reduced that the dimensions of the yards or open spaces shall be smaller than herein prescribed. (Code 1952, § 34.16)

Sec. 32-21. Nonconforming uses.

The lawful use of a building or premises existing on the effective date of this chapter, or authorized by a building permit issued 90 days prior thereto, may be continued, although such use does not conform with the provisions of this chapter, and such use may hereafter be extended or moved to any part of a plant which was arranged or designed for such use prior to such effective date. A nonconforming use may be changed to a use of the same or higher classification according to the provisions of this chapter. Whenever a district shall hereafter be changed, any then existing nonconforming

use may be continued or changed, to a use of a similar or higher classification or to a conforming use, such use shall not thereafter be changed to a use of a lower classification except as hereinbefore provided. (Code 1952, § 34.17)

Editor's note—The ordinance from which this section was derived was enacted May 28, 1940.

Sec. 32-22. Restoration of existing buildings.

Nothing in this chapter shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy or prevent the continuance of the use of such building, or part thereof, as such use existed at the time of such destruction of such building or part thereof. (Code 1952, § 34.18)

Sec. 32-23. Accessory buildings.

In Residence A and B Districts, no garage, garage apartment, tent or outbuilding shall be erected or used for residential purposes except concurrently with or subsequent to the construction of the main building. (Code 1952, § 34.19)

Sec. 32-24. Billboards and general advertising signs.

Billboards and general advertising signs shall not be permitted in Residence A, B, or AB Districts nor in Business A Districts nor in undeveloped Districts within 150 feet of Roosevelt Boulevard. Billboards and general advertising signs shall only be permitted within other districts at such locations and in such manner as will not constitute a traffic hazard or eyesore. Where the rear of any sign would be visible from any street or from any adjoining district of a residence classification, the exposed structural members of such sign shall be concealed by painted lattice work or planting and such back-screening shall be properly maintained. For any sign having an area of more than twenty-five square feet, a cash bond of ten dollars shall be posted unless the company erecting such sign can be definitely established as being financially responsible; and for signs of twenty-five square feet or less in area, a five dollar cash bond shall be posted. This bond shall be used to insure proper maintenance and to apply

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toward the cost of removal where such removal becomes necessary. The city reserves the right to remove any billboard or advertising sign which shows neglect or becomes dilapidated. Where any such billboard is located in a nonconforming area and such billboard or advertising sign becomes damaged by fire or storm or the elements to an extent of seventy-five per cent or more of the value of such board, it shall not again be re-erected or replaced. (Code 1952, § 34.20)

Sec. 32-25. Setback requirements of lots fronting on alley.

None of the front yard setback requirements, as set up in this chapter, shall be applicable to lots fronting on an alley. (Code 1952, § 34.22)

Sec. 32-26. Fences—General requirements.

(a) In residential zones in the city the following restrictions as to height and construction of fences shall apply:

- (1) Solid or open fences not exceeding four (4) feet in height constructed of any kind of material may be permitted on the front, rear and side yard property lines of any parcel of land.
- (2) Fences up to six (6) feet in height may be constructed on the front, rear and side yard property lines of any parcel of land, provided that the upper two (2) feet of said six (6) foot fence has openings of at least fifty per cent (50%) or more in the construction of same, however, at corner lot a six (6) foot fence may be constructed provided that said fence will be constructed on a radius squaring from ten (10) feet in each direction from the intersecting property lines to furnish a line of sight at corners; solid fences up to six (6) feet in height may be constructed on rear and side yard property lines of any parcel of land provided such solid six (6) foot fence is not constructed on property lines intersecting at street corners and that the adjoining property owners file their written consent with the building department of the city consenting to the construction of said six (6) foot solid fence.
- (3) In the event there are located utility electrical transformer banks, water towers or other facilities owned

or leased by a public utility in residential zones which require the fencing of same for safety precautions, the fence around said facilities shall be at least six (6) feet in height and barbed wire may be used on the top of said six (6) foot fence.

(b) In business or industrial zones in the city, the following restrictions as to height and construction of fences shall apply:

- (1) Wire mesh or chain link fences may be constructed at any height on any property lines, and barbed wire may be used on said fences, provided the barbed wire portion of said fence does not extend outside and beyond the property line of said property, and said fence is at least six (6) feet high.
- (2) Solid fences not exceeding ten (10) feet in height may be permitted on the property lines of any parcel of land. (Code 1952, § 20.14; Ord. No. 447, § 1, 5-17-54; Ord. No. 584, § 1, 8-20-56; Ord. No. 723, § 1, 6-15-59; Res. No. 12-60, § 1, 3-10-60; Ord. No. 802, § 1, 6-6-62; Ord. No. 882, § 1, 1-22-64; Ord. No. 65-6, § 1, 3-10-65)

Amendment note—Ord. No. 882, § 1, 1-22-64, amended § 32-26 by adding that provision appearing at the end of subparagraph (2) of paragraph (a) having to do with fences on corner lots. Ord. No. 802, § 1, amended the section into a detailed regulation as it now appears, as amended by Ord. No. 882. Ord. No. 65-6, § 1, amended § 32-26(b) to add subparagraph (2).

Sec. 32-27. Same—Barbed wire.

It shall be unlawful for any person to build, construct, use or maintain any fence or barrier consisting of or made of barbed wire within the city along the line of or in or upon or along any street, alley or public or private walk or drive. The provisions of this section shall not apply to any fence or barrier if the barbed wire used in said fence or barrier is at least six feet above the surface of the ground. (Code 1952, § 20.141; Ord. No. 373, § 2, 10-20-52)

Sec. 32-28. Enforcement of chapter; application for and issuance of building permits.

It shall be the duty of the building official, and he is hereby given the power and authority, to enforce the provisions of

this chapter. The building official shall require that the application for a building permit and the accompanying plot plan shall contain all the information necessary to enable him to ascertain whether the proposed building complies with the provisions of this chapter. No building permit shall be issued until the building inspector has certified that the proposed building or alterations comply with the provisions of this chapter. In the event bona fide construction or bona fide alterations are not commenced under any building permit issued under the terms of this chapter within thirty days from the date of such permit, such building permit shall thereupon become automatically void and shall stand forthwith cancelled. It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor. (Code 1952, § 34.23)

Sec. 32-29. Interpretation and purpose.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, comfort, convenience, prosperity or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or with any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon height of buildings, or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, the provisions of this chapter shall control. (Code 1952, § 34.24)

Sec. 32-30. Application pending for building permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of a building, for which a building permit has been granted or for which plans were on file with the building inspector before the effective

date of this chapter and the construction of which from such plans shall have been started.

It shall be the duty of the building official and he is hereby given the power and authority, to refuse to issue building permits for the construction of buildings in an area within the corporate limits of the city which is under consideration by the planning commission for any change in regulations, restrictions or boundaries in respect to zoning which will raise the restrictions or the zoning classification, and such change has been recommended to the city plan board. In the event the city plan board refuses to call a public hearing and take action on the recommended change of zoning within forty-five days after receipt of same from the planning commission, the building official shall forthwith issue building permits in such area, upon approval of the plans on file and payment of the proper fees. (Code 1952, § 34.25)

Editor's note—The ordinance from which this section was derived was enacted May 28, 1940.

Amended 8/3/66
Ord. No. 66-30
Sec. 32-31. Charges for publication of notice.

Owners of land seeking a change of zoning for their land, which the city commission of the city has agreed to call for public hearings, are hereby required to furnish to the city clerk of the city the funds necessary for giving publication in a newspaper of the notice of such public hearing, as required by section 4, article II, chapter G of the Charter. (Code 1952, § 34.26)

\$50.00 Variance or zone change

Article II. Airport Zoning*

Sec. 32-32. Title.

This article shall be known and may be cited as the "Airport Zoning Ordinance of The City of Key West, Florida." (Ord. No. 674, § 1, 5-19-58)

***Editor's note**—Art. II, §§ 32-32 through 32-48, is derived from Ord. No. 674 enacted on May 19, 1958. Ord. No. 663 enacted on February 17, 1958, which created the airport zoning commission for the purpose of promulgating the rules and regulations contained in this article is not included herein.

Cross reference—Alcoholic beverage license for airport, § 4-34. Supp. No. 1

59832

FILED FOR RECORD

SEP 19 PM 4:16

BOOK 108 PAGE 426

EARL R. ADAMS, CLERK, CO. CL.
MONROE COUNTY, FLORIDAWARRANTY DEEDRecorded in Official Records
Monroe County, Florida
Earl R. Adams
County Clerk

THIS INDENTURE, Made this 12 day of September, A. D. 1957. Between ALLEN E. CURRY and LOUISE R. CURRY, husband and wife, of the County of Monroe, in the State of Florida, parties of the first part, and WILLIAM W. WHITE and MARY H. WHITE, husband and wife, 723 Eaton Street, Key West, Monroe County, Florida, parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS (\$10.00), to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said parties of the second part, their heirs and assigns, forever, the following described land, situate, lying and being in the County of Monroe and State of Florida, to-wit:

On the Island of Key West and being a subdivision of lot One (1) in Square Twenty-Two (22) as lot Five (5) of said subdivision having a front on Eaton Street of Forty-Six (46) feet and Six (6) inches and bounded Southwesterly by the property sold by Richard Bartlum to J. R. Curry by deed which is recorded in Deed Book "F" page 52, Monroe County, Florida Records, and running parallel with William Street and distant therefrom one hundred thirty-nine (139) feet and six inches, and having a depth of Fifty-Seven (57) feet Six (6) inches.

This being the same property that was bought by Richard Bartlum from Philip Sawyer and wife by deed which is recorded in Deed Book "E" page 779, but excepting the parcel which Richard Bartlum sold to J. R. Curry by deed which is recorded in Deed Book "F" page 52, Monroe County, Florida, records.

ALSO:

On the Island of Key West, and known as part of Lot One (1) in Square Twenty-Two (22), according to W. A. Whitehead's map, but now better known as part of said Lot One (1), according to W. H. Backley's diagram recorded in Book "D", Record of Books, page 205;

NEBLETT & YOUNG, ATTORNEYS AT LAW, KEY WEST, FLORIDA

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Commencing at a point which is One Hundred Fifteen (115) feet Northwesterly from Eaton Street and Seventy-two (72) feet Northeasterly from Peacock Lane, and running thence in a Northwesterly direction parallel with Popool parcel [redacted] y-six (36) feet, Six (6) inches; thence at right angles in a Northeasterly direction and parallel with Eaton Street Thirty (30) feet; thence at right angles in a Southeasterly direction Thirty-six (36) feet, Six (6) inches; thence at right angles in a Southwesterly direction Thirty (30) feet to the point or place of beginning.

ALSO:

On the Island and in the City of Key West, and known and designated on a plan of subdivision of Lot One (1) in Square Twenty-Two (22), which said plan is recorded in Book D, at page 205 of the public records of Monroe County, Florida, as a part of Lot Number Six (6).

Commencing at a point on the Northeastern side of a certain fifteen-foot lane, which said point is distant Northwesterly, eighty-two (82) feet from the corner of said lane and Eaton Street, running thence, in a Northwesterly direction, along said lane, to the corner of said Lot Six (6); thence at right angles in a North-easterly direction, along the dividing line between Lot Six (6) and Lot Seven (7), ninety-three (93) feet, more or less, to the corner of said Lot Six (6); thence at right angles, in a Southeasterly direction, along the Northeastern boundary line of said Lot Six (6), to the corner of said Lot Six (6); thence at right angles in a Southwesterly direction along the dividing line between said Lot Six (6) and Lot Five (5), forty-six (46) feet and six (6) inches; thence at right angles, in a Northwesterly direction, and parallel with said fifteen-foot lane; twenty-four (24) feet and six (6) inches; and thence at right angles, in a Southwesterly direction and parallel with Eaton Street, to the point or place of beginning.

Being a part of the premises conveyed to the said party of the first part by Joseph Albury and his wife, Francis by deed dated June 21, 1883 and recorded in the public records of Monroe County, Florida, in Deed Book L, pp 295-296.

Excepting from this Warranty Deed the following described piece of the land last above described, to wit:

Commencing at a point on the Northeastern side of said certain fifteen-foot lane, which said point is distant Northwesterly eighty-two (82) feet from the corner of said lane and Eaton Street, running thence in a Northwesterly direction, along said lane, thirty-three (33) feet to the corner of said Lot Six (6); thence at right angles in a Northeasterly direction, along the

108
420

Cottage
Parcel

108 420

dividing line between Lot Six (6) and Lot Seven (7), forty-six (46) feet, six (6) inches; thence at right angles in a Southeasterly direction, thirty-three (33) feet; thence at right angles in a Southwesterly direction forty-six (46) feet, six (6) inches to the point of beginning.

AND the said parties of the first part do hereby fully warrant title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year above written.

Signed, Sealed and Delivered
in presence of us:

Isabel L. Lamm Allen E. Curry (SEAL)
Virginia M. Foley Louise R. Curry (SEAL)

STATE OF FLORIDA

COUNTY OF MONROE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, ALLEN E. CURRY and LOUISE R. CURRY, to me well known to be the persons described in and who executed the foregoing deed, and acknowledged before me that they executed the same freely and voluntarily for the purpose therein expressed.

AND I FURTHER CERTIFY, That the said LOUISE R. CURRY, known to me to be the wife of the said ALLEN E. CURRY, on a separate and private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made herself a party to said deed for the purpose of renouncing, relinquishing and conveying all her right, title and

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interest, whether dower, homestead or of separate property,
 statutory or equitable, in and to the lands described therein,
 and that she executed the said deed freely and voluntarily and
 without any compulsion, constraint, apprehension or fear of or
 from her said husband.

WITNESS my hand and official seal at Key West, County of
 Monroe and State of Florida, this 12th day of September, A. D.
 1957

John P. Cannon
 Notary Public State of Florida

(SEAL)

My Commission expires:

Notary Public, State of Florida at Large
 My Commission Expires Feb. 5, 1960
 Issued by Attorney Eric S. Givens, Jr.

RECORDED IN OFFICIAL RECORD BOOK

EARL R. DAMS

CL

59832

RECORD VERIFIED

Filed: JUN 20 1955-10:05 a.m.

This Indenture.

Made this 30th day of June A. D. 1955

Between Harold Cruz, joined herein by his wife, Carolyn Cruz,

of the County of Monroe, in the State of Florida,
 parties of the first part, and Harry J. Matlock and Robert L. Matlock,
 his wife (whose Post Office address is 327 Peacon Lane, Key West,
 Florida)

of the County of Monroe, in the State of Florida,
 parties of the second part,

Witnesseth, that the said parties of the first part, for and in consideration of the sum of Ten Dollars and other valuable considerations to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said parties of the second part, their heirs and assigns forever, the following described land, situate, lying and being in the County of Monroe, State of Florida, to wit:

On the Island of Key West, and known as part of Lot 1 in Square 22, according to William A. Whitehead's map, but now better known as part of said Lot 1, according to W. H. Hackley's Diagram recorded in Book D, Record of Deeds, page 205. Commencing at a point on Peacon's Lane distant 115 feet from the corner of Eaton Street and said Peacon's Lane, and running thence in a Northwesterly direction along said Peacon's Lane 36 feet 6 inches; thence at right angles in a Northeasterly direction 72 feet; thence at right angles in a Southeasterly direction 36 feet 5 inches; thence at right angles in a Southwesterly direction 72 feet back to the place of beginning.



And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Mary Ann Matlock
 M. Matlock

Harold Cruz
 Carolyn Cruz

State of Florida,

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SS.

County of MONROE,

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

Harold Cruz and Carolyn Cruz, his wife,

to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

AND I FURTHER CERTIFY, That the said Carolyn Cruz,

known to me to be the wife of the said Harold Cruz, on a separate and private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made herself a party to said deed for the purpose of renouncing, relinquishing and conveying all her right, title and interest, whether of dower, homestead or of separate property, statutory or equitable, in and to the lands described therein, and that she executed the said deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband.

WITNESS my hand and official seal at Key West,
County of Monroe, and State of Florida, this 30th
day of June, A. D. 1955.

My Commission Expires 7/22/56

(Seal)

M. Senata
Notary Public, State of Fla. at Large.

Married Deed

✓ Harold Cruz et ux.

TO

✓ Harry J. Metzger et ux.

Date June 30th, A. D. 1955.

ABSTRACT OF DESCRIPTION

RECORD VERIFIED

STATE OF FLORIDA,

County of Monroe

On this 20th day of July
A. D. 1955, at 10:05 a.m., this
instrument was filed for record, and
being duly acknowledged and proven,
I have recorded the same on pages
431/432 of Book OR-38 in the
public records of said County.

In Witness Whereof, I have here-
unto set my hand and affixed the
seal of the Circuit Court of the
sixteenth Judicial Circuit
of said State, in and for said County.

EARL R. ADAMS

Clerk

BY:

Harold Cruz, D. C.

065-1
ORDINANCE NO. ~~065-1~~

COMMISSION SERIES

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, BY ADDING A NEW CHAPTER THEREUNDER TO BE KNOWN AS CHAPTER 33, SUBDIVISIONS; PROVIDING FOR REQUIREMENTS AND REGULATIONS FOR THE APPROVAL OF SUBDIVISION PLATS IN THE CITY OF KEY WEST, FLORIDA; REPEALING SECTIONS 16 AND 17 OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; AND PROVIDING WHEN ORDINANCE GOES INTO EFFECT.

BE IT ENACTED by the City Commission of The City of Key West, Florida:

Section 1. That the Code of Ordinances of The City of Key West, Florida, be and the same is hereby amended by adding a new chapter thereunder to read as follows:

CHAPTER 33

SUBDIVISIONS

Sec. 33-1. Preliminary conference required.

Each subdivider of land, or his engineer should confer with the city manager before preparing a preliminary subdivision plan in order to become thoroughly familiar with the subdivision requirements and with the proposals of the comprehensive plan of the city affecting the territory in which the proposed subdivision lies.

Whenever regulations contained in this chapter impose higher standards than regulations contained in other ordinances the higher provisions shall govern.

Sec. 33-2. Definitions.

For the purpose of this chapter, certain terms and words are herewith defined as follows:

- (a) Plat. A map, drawing or chart on which the subdivider's plan of the subdivision is presented, and which he submits for approval and intends in final form to record.
- (b) Subdivision. For the purpose of these regulations a subdivision of land is either:
 - (1) The division of land into two or more lots, sites or parcels of two acres or less in area;

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- (2) Establishment or dedication of a road, highway, street or alley through a tract of land regardless of area; or
- (3) Re-subdivision of land heretofore divided or plat-
ted into lots, sites or parcels; provided, however,
the sale or exchange of small parcels of land to or
between adjoining property owners, where such sale
or exchange does not create additional lots, shall
not be considered as a subdivision of land.
- (c) Lot. A parcel of land occupied or intended for occupancy
and having its principal frontage upon an officially
approved street.
- (d) Street. The entire width of public or private thorough-
fare between property lines which affords the principal
means of access to abutting property.
- (e) Major or arterial street. Those used primarily for fast
or heavy traffic.
- (f) Minor street. Those which are used primarily for access
to abutting property.
- (g) Collector street. Those which carry traffic from minor
streets to major system of arterial streets or highways,
including the principal entrance streets of residential
development and streets for circulation within such a
development.
- (h) Alley. A public thoroughfare which affords only secondary
means of access to abutting property.
- (i) Service drive. A public thoroughfare generally paralleling
and contiguous to a major street designed primarily to
promote safety by providing free access to adjoining
property and limited access to the major street.
- (j) Easement. A grant by the property owner of the use of
land for a specific purpose.

Sec. 33-3. Approval of plat by city agencies and city commission.

It shall be unlawful for any person being the owner, agent or person having control of any land within the city to subdivide and plat such lands in lots unless by a plat in accordance with the regulations contained herein, and in accordance with the provisions of state law. Such plat shall first be submitted to the city manager for his inspection approval and recommendations. Such plats shall be submitted to the city commission for its action. No plat shall be recorded and no lot shall be sold from such plat unless and until approved by the city commission in accordance with these regulations.

Sec. 33-4. Data required on preliminary and final plats.

- (A) Preliminary plat. A subdivider shall file four prints

of a preliminary plat prepared by a professional civil engineer or registered land surveyor licensed by the state with the office of the city manager for his inspection and checking. The plat shall be drawn on a single sheet at a scale not smaller than two hundred feet to the inch. The preliminary plat shall show:

- see p. 7
- (1) The title under which the proposed subdivision is to be recorded and the name of the subdivider and holder of any encumbrances or easements against the property;
 - (2) A vicinity sketch showing the relation of the proposed subdivision to adjoining property and the city;
 - (3) A topographic map with a contour interval of six inches, based on the mean sea level elevation showing the boundary lines of the tract to be subdivided;
 - (4) Preliminary sketch plans indicating the proposed method of accomplishing drainage, water supply and sewage disposal. Approval of such preliminary plans does not constitute approval of final utility plans required as a part of the final plans;
 - (5) The location, width and names of all existing or platted streets, or easements and other rights-of-way, location of all ponds and watercourses, boundaries of incorporated areas, and the location of present property and land section lines, together with the proper identification thereof;
 - (6) Any existing sanitary sewer, storm sewer, water mains and/or culverts within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary sewer are to be indicated in a general way upon the plat;
 - (7) The proposed location and width of streets, alleys, lots, building setback lines and easements;
 - (8) Grades of all proposed streets including preliminary cross sections and center line profiles;
 - (9) All parcels of land intended to be dedicated or reserved for public use or to be reserved in the deed for the common use of property owners in the subdivision;
 - (10) Areas shown in the comprehensive city plan as proposed sites for schools, parks or other public uses which are located in whole or in part within the tract of land being subdivided;
 - (11) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land;
 - (12) The location of existing zoning district lines and the proposed use of the property being subdivided; and
 - (13) The date, north point and scale.

(B) Final plats. A subdivider shall file six prints from a plat drawn in ink of the final plat prepared by a professional civil engineer or registered land surveyor licensed by the state, with the office of the city manager for his inspection and checking. The city manager shall then deliver one print of the final plat to each member of the city commission not less than ten days prior to the meeting at which the plat is to be considered. The final plat is to be drawn at a scale not smaller than two hundred feet to the inch, from an accurate survey certified by the engineer. The sheet size shall be twenty-four by thirty-six inches, and if more than two sheets are required an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet at a suitable scale. If deed restrictions are imposed on the subdivision such restrictions shall be shown on the final plat; provided, however, should such restrictions be of such length to make their lettering on the plat impracticable, they shall be submitted in six copies, along with the final subdivision plat, to the city commission. The final plat shall show:

- (1) The title under which the subdivision is to be recorded and the name and number of the section if the subdivision is a part of a larger tract;
- (2) Acknowledgment of the owner to the plat and restrictions including dedication to the public use of all streets, alleys, parks or other open spaces shown thereon and the granting or dedicating of easements required;
- (3) The boundary lines of the area being subdivided with accurate bearings and distances. The boundaries shall be determined by an accurate survey in the field, the error of closure of which shall not exceed one foot in five thousand feet and shall be indicated on the plat. All section lines and quarter section lines together with the plain designation of cardinal points shall be shown;
- (4) The correct legal description in sufficient detail to re-establish boundary lines of the property being subdivided without a drawing;
- (5) The exact layout in general conformity with the preliminary plat including:
 - (a) All dimensions, both linear and angular, for locating lots, streets, alleys, public easements and private easements. The linear dimension shall be expressed in feet and hundredths of a foot, and all angular measurements shall be expressed by bearings or angles in degrees and minutes. All curves shall be defined by their degree of curvature, radius, central angle, tangent distances, tangent bearings and arc lengths. Such curve data shall be expressed by a curve table lettered on the face of the plat, each curve being tabulated and numbered to correspond with the respective numbered curves shown throughout the plat;

- (b) Street names (the name of no new street shall duplicate the name of any existing or platted street unless the new street is a continuation of an existing or platted street);
- (c) Lots numbered in numerical order and blocks appropriately identified;
- (d) The location of all building lines and easements provided for public use, services or utilities;
- (e) The lines of adjoining streets and alleys with their width and names;
- (f) The accurate outline of any portions of the property intended to be dedicated for public use, or for common use of property owners within the subdivisions;
- (g) The locations of all permanent reference monuments together with their character or description. A definite bearing and ^{distance} tie shall be shown between not less than two permanent monuments on the exterior boundary of the subdivision and to existing street intersections where reasonably convenient, provided, however, that the maximum distance between permanent reference monuments shall not exceed two thousand feet;
- (h) Scale of the plat, north arrow and date;
- (i) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;
- (j) The certificate of the engineer, ^{or land surveyor} attesting to the accuracy of the survey and that permanent reference monuments have been established according to the provisions of this chapter, and with explanation of closure.
- (k) All excepted parcels by appropriate designation;
- (l) Certificates for approval and signature panel for the Mayor, City Clerk and City Manager, and the county commissioners;
- (m) Temporary turn-arounds where needed. When one or more temporary turn-arounds are shown, the following note shall be included on the plat; The area on this plat designated as "temporary turn-around" will be constructed and used as other streets in the subdivision until (_____*_____) is/are extended to (_____*_____) at which time the land in the temporary turn-around area will be abandoned for street purposes and will revert to adjoining lot owners in accordance with specific provisions in their respective deeds; and

- (n) Reference to supporting data which shall include plans for drainage, streets, including cross-sections and profiles, water supply and sewage disposals, including drainage courses, existing sewers, water mains, culverts and underground structures within the tract showing pipe size, invert elevations and grades.

Sec. 33-5. Subdivision design standards.

(A) Street alignment.

- (1) The arrangement of streets in a new subdivision shall make provisions for the continuation of the principal existing or platted streets into adjoining areas or their proper projection where adjoining land is not subdivided insofar as they may be deemed necessary by the city commission for public requirement.
- (2) The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- (3) Residential streets shall be designed to discourage through traffic, but offset streets shall be avoided.
- (4) The angle of intersection between streets should not vary more than ten degrees from a right angle.
- (5) Streets of less than full right-of-way shall not be permitted, except to provide for streets required under (A) (1); however, where half streets exist on adjoining property the remaining right-of-way requirement shall be platted.
- (6) Wherever a subdivision adjoins a major street, the city commission may require that access to private property be provided from service drives.

(B) Street and alley width.

- (1) No avenues, streets or alleys shall be dedicated which are less than the following dimensions:
 - (a) State roads, as required by the State Road Department, but not less than one hundred feet;
 - (b) Major or arterial streets, eighty feet;
 - (c) Collector streets, sixty feet;
 - (d) Minor streets, fifty feet;
 - (e) Alleys, twenty feet.
- (2) Cul-de-sacs or dead-end streets shall provide a terminal turn-around having a radius of not less than forty feet. Cul-de-sacs should not exceed seven hundred feet in length exclusive of the turn-around.

- (6) Drainage. All necessary facilities, as determined by the city manager, including underground pipe, inlets, catch basins or open drainage ditches or canals shall be installed to provide for the adequate disposal of surface water and to maintain any natural drainage course.
- (7) Street name signs. Street name signs, of a type meeting the approval of and in locations designated by the city commission, shall be erected at all highway thoroughfares and street intersections.
- (8) Permanent survey monuments. Permanent monuments of stone or concrete shall be placed at all block corners or at tangent points of curves connecting intersecting street lines; at the point of curvature and tangency; at all corners in the exterior boundary of the subdivision, except at such corners which are inaccessible due to topography; and at such other points as may be designated by the city commission. Such monuments shall be set flush with the surface of the ground or finished grade.

Monuments shall be of pre-cast concrete two feet in length and three inches square, or four inches in diameter, having a metal dowel imbedded therein.

- (9) Miscellaneous. All utilities on poles shall be placed in the easement in the rear of the lots of the subdivision. Any underground utilities may be placed in the dedicated street adjacent to the sidewalk.

Sec. 33-7. Supervision and construction.

(a) Inspections. The city manager or his representatives shall make such inspections as may be needed before, during and after the construction of the work to keep informed of the status of the development and generally to assist all agencies involved in the work to maintain the standards of these regulations.

(b) Approval. Clearing, grading, stabilization, paving and drainage facilities shall be approved by the city manager, or his representatives.

Sec. 33-8. Maintenance.

Upon completion of all work, the developer's engineer or registered land surveyor shall submit to the city manager a certificate of completion, stating that the work has been entirely completed, that it was constructed under his supervision and that it conforms with the development plan and these regulations.

When the city manager has made a final inspection and has approved the work, the city will assume maintenance of roads, streets and drainage facilities related thereto in the subdivision.

Sec. 33-9. Approval and recording of plats.

- (a) Preliminary plat. The city commission shall indicate

approval or disapproval of all subdivisions within its jurisdiction received within thirty days from the date of the first meeting following the filing of the preliminary plat. One copy shall be returned to the subdivider or his representative with the date of such approval thereon. Approval of the preliminary plat does not constitute approval of the final plat and shall expire after a period of six months unless a final plat is filed.

(b) Final plats. The city manager and the city commission shall indicate approval or disapproval of all subdivisions received for consideration within thirty days from the date of the first meeting following the filing of the final plat. Approval of the final plat shall be void unless the approved plat is recorded within a period of six months.

Approved final plans shall be filed in the office of the Clerk of the Circuit Court of Monroe County, Florida. No such plat or subdivision lying within the City shall be recorded in the office of the Clerk of the Circuit Court unless and until it shall have first been approved by the city manager and the city commission.

Sec. 33-10. Variations and exceptions.

Whenever the tract to be subdivided is of such unusual size or shape, or if surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the city commission after report by the city manager may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, yet protect the public welfare and preserve the spirit of these regulations.

Sec. 33-11. Violation and penalty.

Any owner or proprietor of any tract of land who subdivides that tract of land and who violates any of the provisions of this chapter shall be guilty of a misdemeanor, punishable as provided by Section 1-7 of this Code, and each day during which such violation shall continue shall constitute a separate violation.

The city commission in addition to other remedies, may institute any appropriate action or proceedings to prevent a violation or attempted violation, to restrain, correct or abate such violation, or to prevent any act which would constitute a violation.

Section 2. That Sections 16 and 17 of Chapter 32 of the Code of Ordinances of The City of Key West, Florida, be and the same are hereby repealed.

Section 3. This Ordinance shall go into effect immediately

upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission, and publication thereof one time in a newspaper of general circulation published in The City of Key West, Florida.

Read and passed on first reading at a regular meeting held

November 8th, A. D. 1964.

Read and passed on final reading at a regular meeting held

January 20th, A. D. 1965.

Hermit H. [Signature]
Mayor.

Attest:

Jack F. [Signature]
City Clerk.

950

SQR 22

OR617-318

OR 750-591D/C

LAND COMPUTATIONS						
QUAN - TYPE-DESC.	SIZE - AREA	UNIT PRICE	D.F.	C.F.	PRICE PER FRONT FOOT	VALUE
	33x47	35	71		24.15	820
	33x47	43.75	71		30.62	1010
					TOTAL	820

PC-01



379 Peace have

PHOTO
IMAP: 542
IMAP: 542

PHOTO
MAP # 3

PHOTO
IMP # 4

REAL PROPERTY RECORD CARD

MONROE COUNTY, FLORIDA

VALUATION TOTALS		
1966	LAND	820
	IMPROVEMENTS	350
	TOTAL	1150
1974	LAND	1010
	IMPROVEMENTS	413
	TOTAL	1500
19__	LAND	
	IMPROVEMENTS	
	TOTAL	
19__	LAND	
	IMPROVEMENTS	
	TOTAL	
19__	LAND	
	IMPROVEMENTS	
	TOTAL	
19__	LAND	
	IMPROVEMENTS	
	TOTAL	
19__	LAND	
	IMPROVEMENTS	
	TOTAL	

— NOTES —

75/16,000 OR 617-318

7-21-89 Deleted parcel
now combined under
RE 340 for assessment
purposes. L. G.

1/30/2016 3:54 PM

$$\begin{array}{r} 26 \\ + 1 \\ \hline 27 \\ 13 \end{array}$$
[illegible]

WHITE, MARY H
723 EATON STREET
KEY WEST, FL 33040

KW
PT LOT 1
OR108-426-429

SQR 22

OR750-591D/C

300

LAND COMPUTATIONS

QUAN - TYPE-DESC.	SIZE - AREA	UNIT PRICE	D.F.	C.F.	PRICE PER FRONT FOOT	VALUE
	30X152	50	1.08		54.00	1620
	19X115	50	1.03		51.50	980
Residual	9X33	50	.10		5.00	50
TOTAL						2650

PC-01



PHOTO
IMP # 3

PHOTO
IMP # 2

PHOTO
IMP # 4

REAL PROPERTY RECORD CARD

MONROE COUNTY, FLORIDA


VALUATION TOTALS

1966	LAND	2650
	IMPROVEMENTS	9370
	TOTAL	12000
1974	LAND	3304
	IMPROVEMENTS	12,810
	TOTAL	16,100
19__	LAND	
	IMPROVEMENTS	
	TOTAL	
19__	LAND	
	IMPROVEMENTS	
	TOTAL	
19__	LAND	
	IMPROVEMENTS	
	TOTAL	
19__	LAND	
	IMPROVEMENTS	
	TOTAL	

— NOTES —

57/10,800

7-21-89 This parcel now
has RE 341 assessed
under it for assessment
purposes. L.V.



 9-28-77 GR C-00 OK

6090
 4/19/77

32
 1760
 26
 DP
 +1
 03

CARD	/	SCALE 1" =	LAND USE CODE
PLOTTED		FLDWK. BY	DATE
RANDOM		CLASSED BY	DATE

CONSTRUCTION DATA									
IMPROVEMENT	1	2	3	4	IMPROVEMENT	1	2	3	4
TYPE OF STRUCTURE	RES	Res			INTERIOR FINISH				
					Unfinished				
					Wd. or Ceil. Bds.				
					Wallboard				
					Plaster, No Furring				
YEAR BUILT					Plaster, Furring				
					Drywall	✓ 30	✓ 30		
					Wood Panel				
ROOMS					FLOORS				
Total Rooms	7				None				
Eff. Apts.					Single Pine	✓ 7	✓ 5		
— Rm. Apts.					Concrete				
— Rm. Apts.					Conc., Asph. Tile				
No. of Baths	2	2			Conc., Terrazzo				
No. of Rest Rms.					Double Pine				
— Fixt. R. Rms.					Double Hardwood				
— Fixt. R. Rms.					Precast Conc.				
Total Fixtures					Parquet				
FOUNDATION					PLUMBING				
Continuous Wall					None				
Piers	✓				Poor				
Piling					Good, Plain	✓ 8	✓ 8		
ADJUSTMENTS					HEATING				
Frame					None	✓			
Height					Unit Heat				
Front & Interior					Cntrl. Heating				
Apt. Equiv.					Cntrl. Cooling				
Partitions					Cntrl. Cool & Heat				
Special Use					ELECTRICITY				
EXTERIOR WALLS					None				
Wallboard					Poor				
Corr. Metal					Average	✓ 3	✓ 3		
Corr. Asbestos					Good				
Wd. Fr. Stucco					CLASS & SCALE	4/E+	4/E+		
Wd. Fr. Asbestos					CONST. UNITS	90	88		
C.B. Plain					CLASS UNITS	-8	-8		
C.B. Stucco					TOTAL UNITS	82	80		
Wd. Fr. Siding	✓ 30	✓ 30			BASE RATE	10.35	14.49		
Tile Stucco					ADJ. RATE	8.49	11.59		
Brick					AREA	1799	1799		
Reinf. Conc.					E.F.	350	500		
Panel, Glass, Mtl.					E.F.				
ALUM. SIDING	✓				REP. COST NEW	15624	21,350		
ROOF TYPE					CONDITION	60	60		
Flat, Shed					DEP. REP. VALUE	9374	12,810		
Hip, Gable	✓ 8	✓ 8			DEPRECIATION ADJUSTMENT				
Bar Joist					NO.	PHY.	ADJUSTMENT	E	%
Wood Truss					1				
Prestressed					2				
Steel Truss					3				
ROOF MATERIAL					4				
Sht. Mtl. Roll									
T. & G., B.U.									
Shing., Wd., Etc.	✓ 4	✓ 4							
Shing., Asbestos									
Tile, Cement									
Tile, Clay									
Bermuda									
Slate									
Gypsum									

ORDINANCE NO. 69-29

COMMISSION SERIES

AN ORDINANCE REPEALING ARTICLE I OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, AND PROVIDING NEW PROVISIONS IN ARTICLE I IN SAID CHAPTER ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF KEY WEST, FLORIDA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES OF SAID CITY IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING WHEN ORDINANCE GOES INTO EFFECT.

Sec. I. PREAMBLE AND PURPOSE.

WHEREAS, Milo Smith & Associates, Inc., Planning Consultant for The City of Key West, Florida, has prepared a Comprehensive Development Plan for said City which includes Land Use Plan, Thoroughfare Plan, Community Facilities Plan, Public Improvements Program, and Zoning Regulations, and

WHEREAS, the Planning and Restoration Commission and the City Commission of The City of Key West, Florida have substantially approved the zoning regulations and zoning map recommended by the said Milo Smith & Associates, Inc. and have determined that such new regulations and zoning map, as modified, are necessary to implement the desired land use arrangement suggested by said Comprehensive Plan,

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA:

Sec. II. REPEAL OF CONFLICTING ORDINANCES.

Chapter 32, Key West City Code (Article I) of the City of Key West, as amended, is hereby abolished and repealed.

Sec. III. SHORT TITLE.

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Key West, Florida".

Sec. IV. ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP.

1. Official Zoning Map - The City is hereby divided into zones, districts, or as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part

Sec. VI. NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

1. Intent - Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. Extension and Enlargement - A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

3. Non-Conforming Lots of Record - In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements of area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area width, and yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements in this ordinance.

4. Non-Conforming Uses of Land - Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, and where such use involves no individual structure with a replacement cost exceeding \$1,000, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance; unless such use is changed to a use permitted in the district in which such use is located;
 - (b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
 - (c) If any such non-conforming use of land ceases for any reason for a period of more than 90 consecutive days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located;
 - (d) No additional structure which does not conform to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.
5. Non-Conforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (a) No such structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;

- (b) Should such structure be destroyed by any means to an extent of more than 65 per cent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance;
- (c) Should such a structure be destroyed by any means to an extent less than 65 per cent and more than 35 per cent, it may be restored only upon application for variance to the Board of Adjustment;
- (d) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

6. Non-Conforming Uses of Structures or of Structures and Premises in Combination -
 If a lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (b) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
- (c) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance;
- (d) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed;
- (e) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located;

- (f) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this sub-section is defined as damage to an extent or more than 65 per cent of the replacement cost at time of destruction;
- (g) The following schedule shall be followed in terminating non-conforming use of structures or of structures and premises, except for residential uses:

<u>Assessed Valuation of Improvements</u>	<u>Time Allowance Before Termination</u>
\$ 0 - \$ 2,500	5 years
\$ 2,500 - \$ 5,000	10 years
\$ 5,000 - \$10,000	20 years
\$10,000 - \$25,000	30 years
\$25,000 - \$50,000	40 years
\$50,000 - Over	50 years

Non-conformities not involving the use of a principal structure, e.g., open storage, building supplies, vehicle, mobile home, implement and machinery storage, signs, billboards, junk yards, commercial animal yards and the like, shall be discontinued within two (2) years of the effective date of this ordinance or amendment.

7. Repairs and Maintenance - On any building devoted in whole or in part to any non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 per cent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

8. Uses Under Exception Provisions Not Non-Conforming Uses - Any use for which a special exception is permitted as provided in this ordinance (other than a change through Board of Adjustment action from a non-conforming-use to another use not generally permitted in the district) shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such district.

Sec. VII. SCHEDULE OF DISTRICT REGULATIONS ADOPTED

District regulations shall be as set forth in the Schedule of District Regulations, hereby adopted by reference and declared to be a part of this ordinance, and the sections of this ordinance entitled "Schedule of Special Exceptions Permissible by the Board of Adjustment for Planned Development," "Off-Street Parking and Loading Regulations", "Home Occupations," "Performance Standards", and "Supplementary District Regulations".

Intent	Principal Uses and Structures	Accessory Uses and Structures	Special Exceptions Permissible by Board of Adjustment	Prohibited Uses and Structures
<p>arged Land</p> <p>The provisions of this district are intended to be applied to submerged or marginal land areas upon which no permanent development should occur until such time as the land area is treated to conform to specifications for filled areas. The regulations are intended to hold these lands in reserve until such time as they are prepared to receive full development in a manner that is not injurious to the public health, safety, and welfare and which conforms to the land use objectives of the City of Key West.</p>	<p>Public and private open space including conservation projects, water oriented recreation facilities, and other similar activities which can be performed on marginal lands.</p>	<p>None</p>	<p>Temporary open storage of fill and other non-offensive materials are permitted subject to permits to be issued on a yearly basis by the Board of Adjustment.</p>	<p>1. All uses not specifically or visionally permitted herein. 2. All non-open space uses.</p>

5/L

R-1A

District and Intent	Principal Uses and Structures	Accessory Uses and Structures	Special Exceptions Permissible by Board of Adjustment	Prohibited Uses and Structures
<p>R-1A Single Family Residential District</p> <p>The provisions of this district are intended to apply to an area of low-density single-family residential development. Large lot sizes and other restrictions are intended to promote and protect highest quality residential development.</p>	<p>1. Single-family dwellings. 2. Public and semi-public parks, playgrounds, playfields, and recreation facilities. 3. Boat piers or slips for the docking of privately owned and used watercraft of any sort.</p>	<p>1. Non-commercial piers, bathhouses, and loading places intended solely for the use of the adjoining residences. 2. Non-commercial nurseries and greenhouses. 3. Customary accessory uses of a residential nature, clearly incidental and subordinate to the principal use, including servant's quarters, garages, carports, and the like, in keeping with the residential character of the district.</p>	<p>1. Public utility uses and rights-of-way essential to serve the neighborhood in which it is located. 2. Public schools and private schools with conventional curriculums; public libraries. 3. Churches and other places of worship; parish houses. 4. Golf course and club, tennis and racket club and similar activities in keeping with the residential character of the district. 5. Public safety structures and equipment, such as fire substations, civil defense facilities and the like. 6. Planned development on a minimum sized parcel of four (4) acres for which variances of lot and building regulations are planned, subject to the provisions set forth in the "Schedule of Special Exceptions Permissible by Board of Adjustment for Planned Development".</p>	<p>1. All uses not specifically or provisionally permitted herein; any use not in keeping with the single-family residential character of the district, including two family and multiple family dwellings, townhouses, and mobile home parks. 2. Home occupations as an accessory use.</p>

<u>Minimum Lot Area</u>	<u>Minimum Average Lot Width</u>	<u>Minimum Average Lot Depth</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Height</u>	<u>Minimum Building Setbacks</u>				<u>Off-Street Parking & Loading Requirements</u>	<u>Sign Limitations</u>
					<u>Front</u>	<u>Side Interior Lot</u>	<u>Side Corner Lot</u>	<u>Rear</u>		
<u>R-1A</u>										
<u>Single Family</u>										
8,000 sq. ft.	70 ft.	100 ft.	30%	40 ft.	30 ft. or average depth of existing front yards on which developed ever is lots within greater. 100 feet each side, but not less than 20 feet.	7 ft. or 15% of width of lot up to 20 ft.	20 ft.	25 ft.; 20 ft. when abutting an alley	As specified in Section IX.	No signs shall be permitted except the following: 1. A non-illuminated name plate or professional name plate not exceeding two square feet in area. 2. Non-illuminated bulletin board or sign not exceeding 5 sq. ft. in area in conjunction with permitted public and semi-public uses. 3. Temporary real estate signs advertising the sale, rental or lease of only the premises upon which they are located, provided that (a) no sign shall exceed 8 sq. ft. in area for each 1/4 acre in the lot or tract; and (b) no one sign shall exceed 32 sq. ft. in total area. All signs shall be setback at least 12 feet distant from all property and rights-of-way lines.
<u>Churches and similar uses</u>										
1/2 acre	100 ft.	100 ft.	30%	40 ft.	30 ft.	15 ft.	25 ft.	25 ft.		

SUGGESTED SCHEDULE OF DISTRICT REGULATIONSDistrict and Intent

R-1 Single Family Residential District

The provisions of this district are intended to apply to an area of medium-density single-family residential development. Small lot sizes and other restrictions are intended to promote and protect intensive single-family residential development and still maintain a moderate amount of open space for such development.

Principle Uses and Structures

As for R-1A

Accessory Uses and Structures

As for R-1A

Special Exceptions Permissible By Board Of Adjustment

As for R-1A

Prohibited Uses and Structures

As for R-1A

Minimum Lot Area

R-1

6,000 Square Feet

Minimum Average Lot Width

60 Feet

Maximum Lot Coverage

35%

Minimum Floor Area

1300 Square Feet

Minimum Average Lot Depth

100 Feet

12E-1
~~12E-1~~

R-1 CONT'D

Exhibit AN

Maximum Height

35 Feet

Minimum Building Setbacks

<u>Front</u>	<u>Side Interior Lot</u>	<u>Side Corner Lot</u>	<u>Rear</u>
25 ft. or average depth of existing front yards on developed lots within 100 ft. each side, but not less than 20 feet.	6 ft. or 10% of width of lot up to 15 ft., whichever is greater.	20 ft.	20 ft.; 15 ft. when abutting an alley

Off-Street Parking and Loading Requirements

As specified in Section IX.

Sign Limitations

As for R-1A

R-1 CONT'D

12E-2

~~11E-2~~

R-2

Churches,
Hospitals,
Government
Institutions,
Private Clubs,
etc.

1/2 acre

Minimum Average
Lot Width

Minimum Average
Lot Depth

Maximum Lot
Coverage

150 ft.

100 ft.

35%

Maximum
Height

40 ft.

Minimum Building Setbacks
Side In-
terior Lot

Side Cor-
ner Lot

Rear

30 ft.

20 ft. or
10% of
lot up to
30 ft.,
whichever
is greater.

25 ft.

25 ft.,
20 ft.
when
abutting
an alley.

Off-Street Park-
ing & Loading
Requirements

Exhibit AN
Sign Limits

Clubs &
Lodges

8,500 sq. ft.

80 ft.

100 ft.

35%

40 ft.

30 ft.

15 ft. or
10% of
width of
lot up to
20 ft.,
whichever
is greater.

25 ft.

25 ft.,
20 ft.
when
abutting
an alley.

HP-1

HP-1 Restricted Historic
Preservation District

As for R-1B, and in addition:

As in R-1B

The provisions of this dis-
trict are intended to pro-
tect and enhance the
character of the residential
historic areas of the City
of Key West.

1. Two family dwellings.
2. Multi-family structures
not to exceed four (4)
dwelling units.

Special Exceptions Permissible
by Board of Adjustment

1. Public and private schools
with conventional curriculums,
public libraries.
2. Churches and other places of
worship.
3. Public safety structures and
equipment, such as fire sub-
stations, civil defense
facilities, and the like.
4. Garage apartments.

Prohibited Uses and Structures

1. All uses not specifically or pro-
visionally permitted herein; any
use not in keeping with the
residential character or professional
character of the district.

Minimum
Lot Area

HP-1

Single Family

5,500 sq. ft.

Minimum Average
Lot Width

50 ft.

Minimum Average
Lot Depth

100 ft.

Maximum Lot
Coverage

50%

Maximum
Height

40'

Minimum Building Setbacks
Side In-
terior Lot

Side Cor-
ner Lot

Rear

5 ft. or
10% of
the width
of the lot
up to 15 ft.
whichever
is greater.

5 ft.

20 ft.

Off-Street Park-
ing & Loading
Requirements

As specified in
Section IX.

Sign Limitations

As for R-1A

Multiple Family

5,500 sq. ft.

50 ft.

100 ft.

50%

40'

5 ft. or
10% of
width of
lot up to
15 ft.,
whichever
is greater.

5 ft.

20 ft.

As specified in
Section IX.

As for R-1A

13E-1
13E-1

Sec. XXIV. DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

1. Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
2. Alley - Any public or private right-of-way set aside for secondary public travel and servicing which is less than thirty (30) feet in width.
3. Automotive Vehicle - Any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance. The phrase shall include passenger cars, trucks, buses, motorcycles, scooters and station wagons, but shall not include tractors, construction equipment or machinery or any device used for performing a job except as stated above.
4. Automotive Repair Facilities - This term shall include all mechanical engine overhead or repair, and body work and painting of automotive vehicles.
5. Buildable Area - The portion of a lot remaining after required yards have been provided.
6. Building or Structure - Any structure constructed or used for residence, business, industry, or other public or private purposes or accessory thereto, including tents, lunch wagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, structures of all types, store rooms, billboards, signs, gasoline pumps and similar structures whether stationary or movable.

7. Certificate of Appropriateness - Must be issued by the Board of Adjustment to obtain a building permit for all construction or modification of buildings or appurtenances located within the historic preservation districts.
8. Court - An unoccupied open space on the same lot with the principal building and fully enclosed on at least three adjacent sides by walls of the principal building.
9. Drive-in Restaurant or Refreshment Stand - Any place or premise used for sale, dispensing, or serving of food, refreshments, or beverages, in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.
10. Dwelling, Single Family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.
11. Dwelling, Mobile Home - A detached residential dwelling unit over eight (8) feet in width, designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
12. Dwelling, Two Family - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.
13. Dwelling, Multiple Family - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
14. Dwelling Unit or Living Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
15. Family - One or more persons occupying a premises in the form of a living unit and living as a single non-profit housekeeping unit.
16. Height of Building - The vertical distance from the established average sidewalk or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.

17. Home Occupation - Any occupation conducted entirely within a dwelling unit and carried on by an occupant thereof, which occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof.
18. Living Area - The minimum floor area of a dwelling as measured by its outside dimensions exclusive of carports, porches, sheds, and attached garage.
19. Loading Space, Off-Street - Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
20. Lot - For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
 - a. A single lot of record;
 - b. A portion of a lot of record;
 - c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
 - d. A parcel of land described by metes and bounds;provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
21. Lot, Corner - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
22. Lot Dimensions -
 - a. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

- b. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street lines) shall not be less than 80 per cent of the required lot width except in the case of lots on the turning circle of cul-de-sac, where the 80 per cent requirement shall not apply.
23. Lot, Interior - A lot other than a corner lot, only one frontage on a street.
24. Lot of Record - A lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat prior to the effective date of this ordinance.
25. Lot, Reversed Frontage - A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.
26. Lot, Through - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lot.
27. Mobile Home Park - A single parcel of ground six (6) acres or more in area upon which there are mobile home sites to be leased or rented to occupants thereon.
28. Non-Conformity - Any lot, use of land, use of structure, use of structure and premises or characteristics of any use which was lawful at the time of enactment of this ordinance but which does not conform with the provisions of the district in which it is located.
29. Occupied - The use of a structure or land for any purpose, including occupancy for residential, business, industrial, manufacturing, storage, and public use.
30. Patio - An open unoccupied space on the same lot which is fully enclosed on all four sides by the principal building.
31. Parking Space, Off-Street - For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city.

32. Principal Use of Structure - A building in which is conducted the principal use of the lot on which it is situated. In a residence district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport, shed, garage, or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applied to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirements of an accessory building. A detached and structurally independent garage, carport, or other structure conforming as an accessory building may be attached to the principal building by an open breezeway not to exceed six (6) feet in width. A connecting breezeway in excess of six (6) feet and enclosed on one or both sides, including louvers, lattice or screening, shall cause the entire structure to be constructed as the principal building and shall be subject to the regulations applicable to the principal building.
33. Public Use - Any use of land or structures owned and operated by a municipality, county, state or the federal government or any agency thereof and for a public service or purpose.
34. Semi-public Use - Any use of land or buildings owned and operated by an individual, firm, corporation, lodge or club, either as a profit or non-profit activity, for a public service or purpose. This shall include privately owned utilities, transportation, recreation, education, and cultural activities and services.
35. Service Station - Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:
- a. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
 - b. Tire servicing and repair, but not recapping or regrooving;
 - c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;

- d. Radiator cleaning and flushing;
- e. Washing and polishing, and sale of automotive washing and polishing materials;
- f. Greasing and lubrication;
- g. Providing and repairing, fuel pumps, oil pumps, and lines;
- h. Minor servicing and repair of carburetors;
- i. Emergency wiring repairs;
- j. Adjusting and repairing brakes;
- k. Minor motor adjustments not involving removal of the head or crank-case or racing the motor;
- l. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation;
- m. Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage nor a body shop.

34. Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:
- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
 - b. Flags and insignia of any government except when displayed in connection with commercial promotion;
 - c. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;

- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
 - e. Signs directing and guiding traffic and parking or private property, but bearing no advertising matter.
37. Signs, Number and Surface Area - For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- The surface area of a sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
38. Sign, On-Site - A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
39. Sign, Off-Site - A sign other than on-site sign.
40. Special Exception - A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions.
41. Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the top-most floor and the roof. A basement or cellar not used for human occupancy shall not counted as a story.
- a. Half-story: A story under a sloping roof, the finished floor area of which does not exceed one half the floor area of the floor immediately below it; or a basement used for human occupancy, the floor area of that part of the basement so used not to exceed fifty (50) per cent of the floor area of the floor immediately above.

42. Street - In addition to the definition contained in Chapter 1 hereof, a street for the purposes of this section shall be a public or private right-of-way set aside for public travel which is thirty (30) feet or more in width.
- a. Street Right-of-Way Line: The property line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and the exact location of the right-of-way is unknown, the side of the sidewalk farthest from the centerline of the traveled street shall be considered as the right-of-way line.
 - b. Street Centerline: The midpoint between the street right-of-way or the surveyed centerline of the street.
43. Terrace - An unoccupied open space adjacent to the principal building on one or two sides, prepared with a hard, semi-hard, or improved surface, and uncovered, for the purpose of outdoor living.
44. Tourist and Transient Living Accommodations - Any place wherein tourists, transients, travelers, or persons desiring temporary residence may be provided with sleeping, sanitary or cooking facilities.
- a. Motel: A group of tourist accommodation units under one ownership or on one tract of land and designed primarily for access by automobile. Overnight guests may be taken for longer periods than overnight. Eating or cooking facilities shall not be provided within individual units.
 - b. Tourist Court: A group of tourist accommodation units under one ownership or on one tract of land providing facilities for overnight guests or for longer periods of time, and with cooking or eating facilities within the individual units.
 - c. Hotel: A structure for transient or permanent guests, including rooms with or without cooking and complete apartment facilities, but confined within one principal building except for necessary accessory buildings.
45. Townhouse - A one family dwelling unit of a group of three or more such units separated by adjoining fire walls, or fire walls separated by a space of not more than six (6) inches, such walls to extend above the roof line of the unit which it serves and to have no openings therein. Where a separation between fire walls is provided, such separation shall be positively sealed in a manner which provides a substantial, closure of space between units which is permanently watertight and verminproof. Each townhouse unit shall be constructed upon a separate lot and serviced with separate utilities and other facilities and shall otherwise be independent of one another.

46. Total Floor Area or Gross Floor Area - The areas of all floors of a building, including finished attics, finished basements and all covered areas, including porches, sheds, carports, and garages.
47. Travel Trailer or Mobile Camper - A self-powered or non-self-powered vehicle under eight (8) feet in width capable of being towed by an ordinary automobile or by the self-powered vehicle upon which it is constructed, whose primary use is temporary lodging while traveling or camping and is not used for habitation except in designated camp sites while in the corporation limits of Key West. These vehicles are excluded from this ordinance unless used for habitation in locations other than designated camp sites.
48. Used - The word "used" shall include the words "arranged", "designed", and "intended to be used".
49. Vacant - A building or parcel of land which is neither occupied nor used or is in a non-operative state for a period of one year.
50. Variance - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
51. Yard - An open space on the same lot with a principal building which is unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this section.
- a. Front Yard: The yard extending across the entire width of the lot between the front lot line and the nearest part of a principal building, including covered porches, sheds, carports.
- b. Side Yard: The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building, including covered porches, sheds, carports, garages, and storage areas.
- c. Rear Yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of a principal building, including covered porches, sheds, carports, garages, and storage areas.

Sec. . . . All ordinances or parts of ordinances of said City in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Sec. XXVI. This ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission, and publication thereof one time in a newspaper of general circulation published in The City of Key West, Florida.

Read and passed on first reading at a regular meeting held

May 7, A. D. ~~1968~~ 1969.

Read and passed on final reading at a regular meeting held

July 9, A. D. ~~1968~~ 1969.



Mayor

Attest:



Acting City Clerk.

FORM 1174 (REPLACES FORM 1174-1)

NOTARIAL COMMISSION EXPIRES ON 10-10-77

This Indenture, 617 not 318

69046

Whereas said parties, the term "party" shall include the term, personal representative, executor and/or trustee of the deceased parties hereto; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include and embrace, male, female, the term "heirs" shall include all the heirs entitled to said land and

Made this 18th day of June, A. D. 19 75.
Between ALLEN E. CURRY, a married man,

of the County of Monroe, in the State of Florida,
party of the first part, and WILLIAM W. WHITE and MARY H. WHITE, husband
and wife, whose mailing address is 723 Eaton Street, Key West, Florida 33040,

of the County of Monroe, in the State of Florida,
party of the second part,

Witnesseth that the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) & other good & valuable considerations, ~~giving~~ to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Monroe, State of Florida, to wit:

On the Island of Key West and known or designated on a plat of Subdivision of Lot 1, in Square 22, which said plat is recorded in Book "D", at page 205, of the Public Records of Monroe County, Florida, as a Part of Lot Number Six (6), described by metes and bounds as follows:

Commencing at a point on the Northeastern side of a certain fifteen-foot lane, which said point is distant Northwesterly 82 feet from the corner of said lane, and Eaton Street, running thence in a Northwesterly direction, along said lane, 33 feet to the corner of said Lot 6; thence at right angles in a Northeasterly direction along the dividing line between Lot 6 and Lot 7, 46 feet, 6 inches; thence at right angles in a Southeasterly direction 33 feet; thence at right angles in a Southwesterly direction 46 feet, 6 inches to the point of beginning.

(The land above described is not the homestead, or any part thereof, of the grantor)

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

W. Campbell
J. K. Pearce

Allen E. Curry
Allen E. Curry

RECORDED IN OFFICIAL RECORD BOOK
MONROE COUNTY, FLORIDA
RALPH W. WHITE
CLERK OF CIRCUIT COURT
JULY 1975

State of Florida

County of MONROE,

I, Harry Griffin, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, ALLEN E. CURRY, a married man,

to me well known and known to me to be the individual described in and who executed the foregoing deed, and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Key West, County of Monroe, and State of Florida, this 18th day of June, A. D. 19 75.

My Commission Expires June 10, 1977.

J. K. Pearce
Notary Public, State of Florida at Large.

ALLEN E. CURRY
JULY 1975



DOCUMENTARY
SUR TAX
\$08.60

FLORIDA
STATE TAX
\$18.00

THIS INSTRUMENT PREPARED BY
W. CURRY JR.

OF THE LAW OFFICES OF CLAUDE ALBURY & MORGAN
317 WHITEHEAD STREET, KEY WEST, FLORIDA 33040



This Indenture, REC 897 PAGE 1066

330522

Whereas said parties, the term "party" shall include the heirs, personal representatives, successors and / or assigns of the respective parties hereto, the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders, and, of need, the term "and" shall include all the names herein described if more than one

Made this 29th day of November A. D. 1983
 Between MARY H. BENNETT, a/k/a Mary H. White, Surviving Spouse
 of William W. White, Deceased, a/k/a Mary White Bennett
 of the County of Monroe in the State of Florida
 party of the first part, and
 ALBERT J. OSTERMAN, a single man over the age of
 723 Eaton St. Key West, FL eighteen years
 of the County of Monroe in the State of Florida
 party of the second part,

Witnesseth that the said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Monroe State of Florida, to wit:

See Attached Legal Description

Subject To:

1. Taxes for the year 1983 and subsequent years;
2. Conditions, restrictions, limitations, reservations and easements of record, if any, which are not hereby reimposed;
3. Applicable zoning ordinances

DS Paid 562.50 Date 12-1-83
 MONROE COUNTY
 DANNY L. KOLLMER, CLERK CIR. CT.
 By [Signature] DC

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

[Signature: Robert M. Wynn]

Mary H. Bennett
 MARY H. BENNETT

State of Florida

County of MONROE

I Herby Certify That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Mary H. Bennett, a/k/a Mary H. White, Surviving Spouse of William W. White, Deceased, a/k/a Mary White Bennett

to me well known and known to me to be the individual described in and who executed the foregoing deed, and she acknowledged before me that she executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Key West
 County of Monroe, and State of Florida, this 29th day of November, A. D. 19 83

My Commission Expires 12-1-86

Notary Public

115171 Osterman

THIS INSTRUMENT PREPARED BY:
 JOSEPH B. ALLEN, III
 ATTORNEY AT LAW
 604 WHITEHEAD STREET, KEY WEST, FLORIDA 33040

DANNY L. KOLLMER
 Clerk of Circuit Court

83 DEC -1 P.3:48

FILED FOR RECORD

897 PAGE 1067

LEGAL DESCRIPTION

On the Island of Key West and being a subdivision of Lot 1 in Square 22 as Lot 5 of said subdivision, having a front on Eaton Street of 46 feet and 6 inches and bounded Southwesterly by the property sold by Richard Bartlum to J. R. Curry by deed which is recorded in Deed Book "F", Page 52, Monroe County, Florida Records, and running parallel with William Street and distant therefrom 139 feet and 6 inches, and having a depth of 57 feet, 6 inches.

This being the same property that was bought by Richard Bartlum from Philip Sawyer and wife by deed which is recorded in Deed Book "E", Page 779, but excepting the parcel which Richard Bartlum sold to J. R. Curry by deed which is recorded in Deed Book "F", Page 52, Monroe County, Florida Records.

ALSO:

On the Island of Key West, and known as Part of Lot 1 in Square 22, according to W. A. Whitehead's Map, but now better known as Part of said Lot 1 according to W. H. Hackley's diagram recorded in Book "D", Record of Deeds, Page 205: Commencing at a point which is 115 feet Northwesterly from Eaton Street and 72 feet Northeasterly from Peacon's Lane, and running thence in a Northwesterly direction parallel with Peacon's Lane 36 feet, 6 inches; thence at right angles in a Northeasterly direction and parallel with Eaton Street 30 feet; thence at right angles in a Northeasterly direction and parallel with Eaton Street 30 feet; thence at right angles in a Southeasterly direction 36 feet, 6 inches; thence at right angles in a Southwesterly direction 30 feet to the point or place of beginning.

ALSO:

On the Island and in the City of Key West, and known and designated on a plan of subdivision of Lot 1 in Square 22, which said plan is recorded in Book "D", at page 205, of the Public Records of Monroe County, Florida, as a Part of Lot Number 6.

Commencing at a point on the Northeastern side of a certain 15-foot lane, which said point is distant Northwesterly 82 feet from the corner of said lane and Eaton Street, running thence, in a Northwesterly direction, along said lane, to the corner of said Lot 6; thence at right angles in a Northeasterly direction along the dividing line between Lot 6 and Lot 7, 93 feet, more or less, to the corner of said Lot 6; thence at right angles, in a Southwesterly direction along the dividing line between said Lot 6 and Lot 5, 46 feet and 6 inches; thence at right angles, in a Northwesterly direction, and parallel with said 15-foot lane, 24 feet and 6 inches; and thence at right angles, in a Southwesterly direction and parallel with Eaton Street, to the point or place of beginning. Being a part of the premises conveyed to Marian T. Albury ----- by Joseph Albury and his wife, Frances, by deed dated June 21, 1883, and recorded in the Public Records of Monroe County, Florida, in Deed Book L, pages 295 and 296. TOGETHER WITH the improvements situated upon the above described parcels of land.

Recorded in Official
in Monroe County, Fla.
Return Vol. 101
DEED BOOK 101
Clock Circuit



371756

This Indenture

Whichever word herein, the term "party" shall include the heirs, personal representatives, successors and assigns of the party so named herein, the use of the singular number shall include the plural, and the plural the singular, the use of the gender shall include all genders, and, if used, the term "and" shall include all the other terms described of more than one.

Made this 8th day of November, A. D. 1984
Between ALBERT J. OSTERMAN, a single man over the age of eighteen years

Monroe and State of Florida, of the County of
and ALBERT J. OSTERMAN, a single man over the age of eighteen years
whose address is 723 Eaton Street, Key West, Florida 33040

Monroe and State of Florida, of the County of
Witnesseth, that the said party of the first part, for and in consideration of the sum of TEN (\$10.00) and other good & valuable consideration Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Monroe State of Florida, to wit:

On the Island of Key West and known as part of Lot 1 in Square 22, according to W. A. Whitehead's map, but now better known as part of said Lot 1, according to W. H. Hackley's diagram recorded in Book "D", at page 205, of the Public Records of Monroe County, Florida and being more particularly described as follows:

Commence at the Northwest corner of Eaton and William Streets; thence Southwesterly along the Northerly Right of Way of Eaton Street for 98.47 feet to the Point of Beginning; thence continue

(legal description continued on reverse hereof)

SUBJECT TO:

1. Taxes for the year 1984 and subsequent years.
2. Conditions, limitations and restrictions of record.
3. Party/Common Wall Agreement attached hereto as Exhibit "A".

To Have and to Hold the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered, in Our Presence:

[Signature]
Notary Public

[Signature]
ALBERT J. OSTERMAN

DR Filed

Date

12-10-84

By

[Signature]
Notary Public

State of Florida,

County of MONROE

I Herby Certify

That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, ALBERT J. OSTERMAN, a single man over the age of eighteen years

to me well known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed. Witness my hand and official seal at Key West

County of Monroe, and State of Florida, this 8th day of November A. D. 1984.

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES MAY 23, 1985
FOR SOLE TRUST COMPANY, FORT LAUDERDALE, FL

Notary Public

My Commission Expires

THE LAW OFFICE OF MARK H. KELLY, P.A.
324 BOUTWORTH STREET, KEY WEST, FLORIDA 33040

REC 928 PAGE 437

Dated

19

Quit-Claim Deed

(legal description continued from front hereof)

along the said Northerly Right of Way of Eaton Street for 41.03 feet; thence at a Right angle and in a Northwesterly direction for 61.18 feet; thence at a Right angle and in a Northeasterly direction to a 1 1/2 story house and thru a common wall for 26.08 feet; thence at a Right angle and in a Southeasterly direction and continuing thru a common wall for 3.40 feet; thence at a Right angle and in a Northeasterly direction and continuing thru a common wall and out past the said 1 1/2 story house for 14.95 feet; thence at a Right angle and in a Southeasterly direction for 57.68 feet to the Point of Beginning.

PARTY WALL AGREEMENT

General rules of law to apply. Each wall built as a part of the original construction of the structure and placed on the dividing line between the lots shall constitute a party wall and, to the extent not inconsistent with the provisions of this Agreement, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

Sharing of repair and maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

Destruction by fire or other casualty. If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration in proportion to such use. This right of contribution shall be without prejudice to any right to call for a larger contribution under any rule of law regarding liability for negligent or willful acts or omissions.

Weatherproofing. Notwithstanding any other provisions in this Agreement, any Owner who, by his negligent or willful acts causes a party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

Right to Contribution to run with land. The right of any Owner to contribution from any other Owner under this Agreement, shall run with the land and shall pass to such Owner's successor in title.

Arbitration. In the event of any dispute arising concerning a party wall, such dispute shall be submitted to

REF 928 PAGE 439

arbitration. Each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator. The decision of a majority of all the arbitrators shall bind the parties.

Recorded in Official Records Book
in Room 100, 10th Floor
JAN 12 1964
CLERK OF COURT



371757

This Indenture

Whichever word herein, the term "party" shall include the heirs, personal representatives, successors and assigns of the respective parties herein, the use of the singular number shall include the plural, and the plural the singular, the use of any gender shall include all genders, and, if used, the term "note" shall include all the notes herein described if ever this one.

Made this 8th day of November, A. D. 1984
Between ALBERT J. OSTERMAN, a single man over the age of eighteen years

Monroe and State of Florida, of the County of Monroe, party of the first part, and ALBERT J. OSTERMAN, a single man over the age of eighteen years, whose address is 723 Eaton Street, Key West, Florida 33040

Monroe and State of Florida, of the County of Monroe, party of the second part, witnesseth, that the said party of the first part, for and in consideration of the sum of TEN (\$10.00) AND OTHER GOOD & VALUABLE CONSIDERATION Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Monroe State of Florida, to wit:

On the Island of Key West and known as part of Lot 1 in Square 22, according to W. A. Whitehead's map, but now better known as part of said Lot 1, according to W. H. Hackley's diagram recorded in Book "D", at page 205, of the Public Records of Monroe County, Florida and being more particularly described as follows:

Commence at the Northwest corner of Eaton and William Streets; thence Southwesterly along the Northerly Right of Way of Eaton Street for 93.00 feet to the Point of Beginning; thence continue

(Legal Description continued on reverse hereof)

SUBJECT TO:

1. Taxes for the year 1984 and subsequent years.
2. Conditions, limitations and restrictions of record.
3. Party/Common Wall Agreement attached hereto as Exhibit "A"

To Have and to Hold the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

[Signature]
[Signature]

[Signature]
ALBERT J. OSTERMAN

DS Feb 4/51 12-10-84

MONROE COUNTY

By *[Signature]*

State of Florida.

County of MONROE

I Herby Certify

That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, ALBERT J. OSTERMAN, a single man over the age of eighteen years

to me well known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Key West

County of Monroe and State of Florida, this 8th day of November A. D. 1984.

THIS INSTRUMENT PREPARED BY
THE LAW OFFICE OF MARK H. KELLY, P.A.
324 SOUTHARD STREET, KEY WEST, FLORIDA 33040

Dated

19

Quit-Claim Deed

(Legal Description continued from front hereof)

along the said Northerly Right of Way of Eaton Street for 5.47 feet; thence at a Right angle and in a Northwesterly direction for 57.68 feet; thence at a Right angle and in a Southwesterly direction to a 1 1/2 story house and thru a common wall for 14.95 feet; thence at a Right angle and in a Northwesterly direction and continuing thru a common wall for 3.40 feet; thence at a Right angle and in a Southwesterly direction and continuing thru a common wall and out past the said 1 1/2 story house for 26.08 feet; thence at a Right angle and in a Northwesterly direction for 20.82 feet; thence at a Right angle and in a Southwesterly direction for 8.50 feet; thence at a Right angle and in a Northwesterly direction for 33.00 feet; thence at a Right angle and in a Northeasterly direction for 25.00 feet; thence at a Right angle and in a Northwesterly direction for 36.50 feet; thence at a Right angle and in a Northeasterly direction for 30.00 feet; thence at a Right angle and in a Southeasterly direction for 151.50 feet to the Point of Beginning.

PARTY WALL AGREEMENT

General rules of law to apply. Each wall built as a part of the original construction of the structure and placed on the dividing line between the lots shall constitute a party wall and, to the extent not inconsistent with the provisions of this Agreement, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

Sharing of repair and maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

Destruction by fire or other casualty. If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration in proportion to such use. This right of contribution shall be without prejudice to any right to call for a larger contribution under any rule of law regarding liability for negligent or willful acts or omissions.

Weatherproofing. Notwithstanding any other provisions in this Agreement, any Owner who, by his negligent or willful acts causes a party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

Right to Contribution to run with land. The right of any Owner to contribution from any other Owner under this Agreement, shall run with the land and shall pass to such Owner's successor in title.

Arbitration. In the event of any dispute arising concerning a party wall, such dispute shall be submitted to

USE
REC 928 PAGE 443

arbitration. Each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator. The decision of a majority of all the arbitrators shall bind the parties.

RECEIVED
JUL 10 1963
DANIEL L. FORDAGE
Clerk Circuit Court

AN ORDINANCE AMENDING SUBSECTION (8A) OF SECTION VII OF THE ZONING ORDINANCE OF THE CITY OF KEY WEST (ORDINANCE NO. 69-29); AMENDING PARAGRAPH (b) BY DELETING MULTI-FAMILY DWELLINGS AS A PRINCIPAL USE; AMENDING PARAGRAPH (d) AUTHORIZING MULTI-FAMILY DWELLINGS AS A SPECIAL EXCEPTION; AMENDING PARAGRAPH (i) BY REDUCING MAXIMUM LOT COVERAGE TO FORTY PER CENT (40%); AMENDING PARAGRAPH (j) BY REDUCING MAXIMUM HEIGHT TO THIRTY FEET (30'); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING WHEN ORDINANCE GOES INTO EFFECT.

BE IT ENACTED by the City Commission of the City of Key West, Florida:

Section 1. Subsection (8A) of Section VII of the Zoning Ordinance of the City of Key West, (Ordinance No. 69-29) is amended to read as follows:

(8A) HP-3 Light Commercial Historic Preservation District.

(a) Intent. The provisions of this district are intended to protect and enhance the character of the residential historic areas of the City of Key West.

(b) Principal uses and structures. Same as for RLB and in addition:

1. Two-family dwellings.

(c) Accessory uses and structures. Same as for HP-1.

(d) Special exception permissible by the board of adjustment. Same as for HP-1 and in addition:

1. Guest houses.
2. Neighborhood grocery.
3. Hospitals, restoriums, convalescent homes, nursing homes for human care except institutions primarily for mental care.
4. Public and private clubs and lodges not involved in the conduct of commercial activities.
5. Governmental institutions and cultural facilities.
6. Kindergartens, nurseries and childcare facilities.
7. Any structure over thirty (30) feet high.
8. General and professional office and home occupation.
9. Lots which do not conform to minimum lot area or minimum lot dimensions or maximum lot coverage.
10. Other, light commercial uses in keeping with the residential character of the district.
11. Multifamily dwellings.

(e) Prohibited uses and structures. All uses not specifically or provisionally permitted herein;

and use not in keeping with the residential character of the district.

(f) Minimum lot area

1. Single-family: 4,000 square feet.
2. Two-family: 7,200 square feet.
3. Multiple family: 8,500 square feet, plus unit
2,800 square feet for each dwelling over 3.
4. Churches, hospitals, etc: 1/2 acre.
5. Clubs and lodges; 8,500 square feet.

(g) Minimum average lot width.

1. Single family: 40 feet
2. Two-family: 70 feet
3. Multiple-family: 80 feet
4. Churches, hospitals, etc.: 150 feet
5. Clubs and lodges: 80 feet

(h) Minimum average lot depth.

1. Single family: 100 feet
2. Two-family: 100 feet
3. Multiple-family 100 feet
4. Churches, hospitals, etc.: 100 feet
5. Clubs and lodges: 100 feet

(i) Maximum lot coverage.

1. Single family: 40 percent
2. Two family: 40 percent
3. Multiple family: 40 percent
4. Churches, hospitals, etc.: 40 percent
5. Clubs and lodges: 40 percent

(j) Maximum height: 30 feet

(k) Minimum building setbacks.

1. Front:
 - a. Single family: 10 feet
 - b. Two family: 10 feet
 - c. Multiple-family: 20 feet
 - d. Churches, hospitals, etc.: 30 feet
 - e. Clubs and lodges: 30 feet.
2. Side interior lot:
 - a. Single family: 7.5 feet
 - b. Two family: 7.5 feet or 10 % of width of lot up to 15 feet, whichever is greater.
 - c. Multiple family: 15 feet or 10% of width of lot up to 20 feet, whichever is greater.
 - d. Churches, hospitals, etc: 20 feet or 10% of width of lot up to 30 feet, whichever is greater.
 - e. Clubs and lodges: 15 feet or 10 % of width of lot up to 20 feet, whichever is greater.
3. Side corner lot:
 - a. Single family: 7.5 feet
 - b. Two family: 7.5 feet
 - c. Multiple family: 15 feet
 - d. Churches, hospitals, etc.: 25 feet
 - e. Clubs and lodges: 25 feet.
4. Rear:
 - a. Single family: 15 feet

- b. Two family: 7.5 feet or 10 % of width of lot up to 15 feet whichever is greater.
- c. Multiple family: 15 feet or 10% of width of lot up to 20 feet whichever is greater.
- d. Churches, hospitals, etc.: 20 feet or 10% of width of lot up to 30 feet, whichever is greater.
- e. Clubs and lodges: 15 feet or 10% of width of lot up to 20 feet, whichever is greater.

(l) Off-street parking and loading requirements. As specified in Section IX.

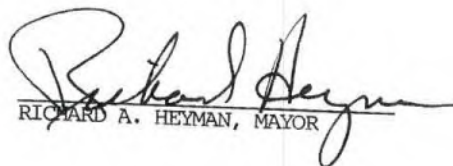
(m) Sign limitations. Same as for HP-1 and in addition: A nonilluminated sign not exceeding 6 square feet in area used to identify a building containing multiple-family dwellings.

Section 2. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

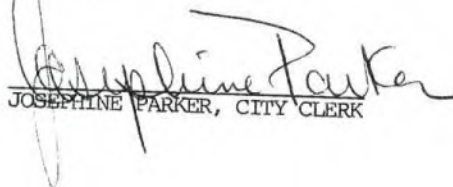
Section 3. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of Commission.

Read and passed on first reading at a regular meeting held this
7th day of May, 1985.

Read and passed on final reading at a regular meeting held this
21st day of May, 1985.


RICHARD A. HEYMAN, MAYOR

ATTEST:


JOSEPHINE PARKER, CITY CLERK

ORDINANCE NO. 85-26

AN ORDINANCE AMENDING SECTION IV OF THE ZONING ORDINANCE OF THE CITY OF KEY WEST, FLORIDA (ORDINANCE NO. 69-29); ADOPTING A REVISED OFFICIAL ZONING MAP; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING WHEN SAID ORDINANCE GOES INTO EFFECT.

BE IT ENACTED by the City Commission of the City of Key West, Florida, as follows:

Section 1. That Section IV of the Zoning Ordinance of the City of Key West, Florida (Ordinance No. 69-29), is hereby amended by adopting a revised Official Zoning Map, dated November 26, 1984, which is attached hereto.

Section 2. The new Official Zoning Map shall be identified by the signature of the mayor attested by the City Clerk, and bearing the seal of the city under the following words:

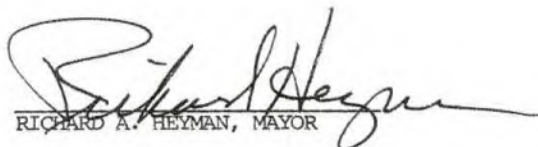
This is to certify that the Official Zoning Map supersedes and replaces the Official Zoning Map adopted December 3, 1974, as part of Ordinance No. 69-29.

Section 3. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

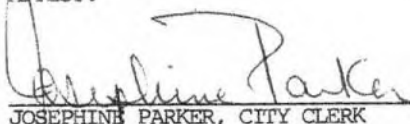
Section 4. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 19th day of March, 1985.

Read and passed on final reading at a regular meeting held this 21st day of May, 1985.


RICHARD A. HEYMAN, MAYOR

ATTEST:


JOSEPHINE PARKER, CITY CLERK

ORDINANCE NO. 86-15

AN ORDINANCE AMENDING APPENDIX A -- ZONING -- OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; AMENDING SECTION VII 5(f) PROVIDING FOR MAXIMUM DENSITY; AMENDING SECTION VII 5(j) PROVIDING FOR MAXIMUM BUILDING HEIGHT; AMENDING SECTION VII 8(b)5 PROVIDING FOR TRANSIENT LIVING ACCOMMODATIONS; AMENDING SECTION VII 8(f) PROVIDING FOR MINIMUM LOT AREA; AMENDING SECTION VII 8A(f) PROVIDING FOR MAXIMUM DENSITY; AMENDING SECTION VII 9(b) 5 PROVIDING FOR TRANSIENT LIVING ACCOMMODATIONS; AMENDING SECTION VII 9(d)6 PROVIDING FOR SINGLE FAMILY AND MULTIFAMILY RESIDENTIAL; AMENDING SECTION VII 9(f)(1) PROVIDING FOR SQUARE FOOTAGE AND RATIO OF GROSS FLOOR AREA TO LOT AREA; AMENDING SECTION VII 10(b)4 PROVIDING FOR TRANSIENT LIVING ACCOMMODATIONS; AMENDING SECTION VII 10(d)9 PROVIDING FOR SINGLE FAMILY AND MULTIFAMILY RESIDENTIAL; AMENDING SECTION VII 10 (f) PROVIDING FOR MINIMUM LOT AREA; AMENDING VII 13(a)(1)a. DELETING BUNGALOW COURTS AS PERMITTED USE; AMENDING SECTION VII 13(a)(4)a.(1) PROVIDING FOR MINIMUM LOT SIZE; AMENDING SECTION VII 13(a)(4)a.(4) PROVIDING FOR MAXIMUM BUILDING HEIGHT; AMENDING SECTION VII 13(a)(4)a.(5) PROVIDING FOR MAXIMUM DENSITY; AMENDING SECTION VII 15(4) PROVIDING FOR DENSITY LIMITATION; AMENDING SECTION IX(1)(b) ADDING RESIDENTIAL DWELLING UNIT; AMENDING SECTION IX(1)(c), OFF-STREET PARKING WAIVER; AMENDING SECTION XXIV (44) PROVIDING DEFINITION; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Commission passed an ordinance creating a committee named the Zoning Evaluation Committee to study the Zoning matters of the City of Key West, and;

WHEREAS, the Zoning Evaluation Committee has reviewed the Code and requests the following changes to be included in the Code of Ordinances of the City of Key West;

NOW THEREFORE BE IT ENACTED by the City Commission of the City of Key West, Florida

Section 1. That the following amendments to Ordinance 69-29, as amended, in the Code of Ordinances of the City of Key West Appendix A - Zoning be amended as follows: (deletions are ~~struck through~~; additions are underlined):

"VII. Schedule of district regulations adopted.

* * * *

(5) R-2 One-, Two- and Multiple-Family Dwelling District.

(a) Intent. The provisions of this district are intended to apply to an area of medium-density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect medium density residential development, maintaining an adequate amount of open space for such development. Some nonresidential uses compatible with the character of the district are also permitted.

(b) Principal uses and structures. ~~Same as for R-1A, and in addition:~~

- (h) Minimum average lot depth. 100 feet.
- (i) Maximum lot coverage. 50 per cent.
- (j) Maximum height: 35 feet provided, however, an additional 5 feet of building height shall be allowed when the roof is of a pitched design, which roof shall be approved by the OIRC.
- (k) Minimum building setbacks.
 - 1. Side 2 1/2 feet
 - 2. Rear: 10 feet.
- (l) Off-street parking and loading requirements: As specified in Section IX.
- (m) Sign limitations: ~~Signs /as per /7-12/~~ No signs shall be permitted except the following:
 - 1. A nonilluminated nameplate or professional nameplate not exceeding 2 square feet in area.
 - 2. Nonilluminated bulletin board or sign not exceeding 5 square feet in area in conjunction with permitted public and semipublic uses.
 - 3. Temporary real estate signs advertising the sale, rental or lease of only the premises upon which they are located, provided that:
 - a. No sign shall exceed 8 square feet in area for each 1/4 acre in the lot or tract; and
 - b. No one sign shall exceed 32 square feet in area.

All signs shall be set back at least 12 feet distant from all property and right-of-way lines. (Ord. No. 83-48, ss. 1,12-5-83)

(8A) HP-3 Light Commercial Historic Preservation

- (a) Intent. The provisions of this district are intended to protect and enhance the character of the residential historic areas of the City of Key West.
- (b) Principal uses and structures. ~~Single /as per /7-12/ and /12-12-12-12/~~
 - 1. Single-family dwellings.
 - 2. Public and semipublic parks, playgrounds, playfields and recreation facilities.
 - 3. Boat piers or slips for the docking or privately owned and used watercraft of any sort.
 - 4. Two-family dwellings.
- (c) Accessory uses and structures. ~~Single /as per /7-12/~~
 - 1. Noncommercial piers, bathhouses, and loading places intended solely for the use of the adjoining residences.
 - 2. Noncommercial nurseries and greenhouses.
 - 3. Customary accessory uses of a residential nature, clearly incidental and subordinate to the principal use, garages, carports, and the like, in keeping with the residential character of the district.
- (d) Special exceptions permissible by the board of adjustment. ~~Single /as per /7-12/~~
 - 1. Public schools and private schools with conventional curriculums; public libraries.
 - 3. Churches and other places of worship.
 - 4. Public safety structures and equipment, such as fire substations, civil defense facilities and the like.
 - 5. Garage apartments.
 - 6. General sales offices such as real estate sales and similar uses.
 - 7. Guest houses.
 - 8. Neighborhood grocery.
 - 9. Hospitals, restoriums, convalescent homes, nursing homes for human care except institutions primarily for mental care.

10. Public and private clubs and lodges not involved in the conduct of commercial activities.
11. Governmental institutions and cultural facilities.
12. Kindergartens, nurseries and childcare facilities.
13. Any structure over thirty (30) feet high.
14. General and professional office and home occupation.
15. Lots which do not conform to minimum lot area or minimum lot dimension.
16. Other light commercial uses in keeping with the residential character of the district.
17. Multi-family dwellings.

(e) **Prohibited uses and structures.** All uses not specifically or provisionally permitted herein; and use not in keeping with the residential character of the district.

(f) **Minimum lot area:**
 1. Single-family: 1/2 acre
 2. Two-family: 1/2 acre
 3. Multiple-family: 1/2 acre
 4. Churches, hospitals, etc.: 1/2 acre
 5. Clubs and lodges: 1/2 acre

Maximum Density.

Two-family and Multiple-family structures shall not exceed 16 dwelling units per acre density.

(g) **Minimum average lot width.**

1. Single family: 40 feet.
2. Two-family: 70 feet.
3. Multiple-family: 80 feet.
4. Churches, hospitals, etc.: 150 feet.
5. Clubs and lodges: 80 feet.

(h) **Minimum average lot depth.**

1. Single-family: 100 feet.
2. Two-family: 100 feet.
3. Multiple-family: 100 feet.
4. Churches, hospitals, etc.: 100 feet.
5. Clubs and lodges: 100 feet.

(i) **Maximum lot coverage.**

1. Single-family: 40 per cent.
2. Two-family: 40 per cent.
3. Multiple-family: 40 per cent.
4. Churches, hospitals, etc.: 40 per cent.
5. Clubs and lodges: 40 per cent.

(j) **Maximum height:** 30 feet.

(k) **Minimum building setbacks.**

1. Front:
 - a. Single-family: 10 feet.
 - b. Two family: 10 feet
 - c. Multiple-family: 20 feet.
 - d. Churches, hospitals, etc.: 30 feet
 - e. Clubs and lodges: 30 feet.
2. Side interior lot:
 - a. Single family: 7.5 feet.
 - b. Two-family: 7.5 feet or 10% of width of lot up to 15 feet, whichever is greater.
 - c. Multiple-family: 15 feet or 10% of width of lot, up to 20 feet, whichever is greater.
 - d. Churches, hospitals, etc.: 20 feet or 10 per cent of width of lot up to 30 feet, whichever is greater.
 - e. Clubs and lodges: 15 feet or 10 per cent of width of lot up to 20 feet, whichever is greater.
3. Side corner lot:
 - a. Single family: 7.5 feet.
 - b. Two-family: 7.5 feet

- a. Single-family: 15 feet.
- b. Two-family: 7.5 feet or 10 per cent of width of lot up to 15 feet, whichever is greater.
- c. Multiple-family: 15 feet or 10 per cent of width of lot up to 20 feet whichever is greater.
- d. Churches, hospitals, etc.: 20 feet or 10 per cent of width of lot up to 30 feet, whichever is greater.
- e. Clubs and lodges; 15 feet or 10 per cent of width of lot up to 20 feet, whichever is greater.

(m) Sign limitations. Same/As/For/HP-L/and/Ln/and/Lnch/

1. A nonilluminated nameplate or professional nameplate not exceeding 2 square feet in area.
2. Nonilluminated bulletin board or sign not exceeding 5 square feet in area in conjunction with permitted public and semipublic uses.
3. Temporary real estate signs advertising the sale, rental or lease of only the premises upon which they are located, provided that:
 - a. No sign shall exceed 8 square feet in area for each 1/4 acre in the lot or tract; and
 - b. No one sign shall exceed 32 square feet in area.
4. A nonilluminated sign not exceeding 6 square feet in area used to identify a building containing multiple-family dwellings.

All signs shall be set back at least 12 feet distant from all property and right-of-way lines. (Ord. No. 83-48, ss. 1,12-5-83)

(a) **Intent:** The provisions of this district are intended to apply to an area adjacent to major streets and convenient to major residential areas. The types of uses are intended to serve the needs of nearby residential neighborhoods for commercial facilities as well as serve the commercial needs of the motorist. Lot sizes and other restrictions are intended to reduce conflicts with adjacent residential uses and to minimize the interruption of traffic along thoroughfares.

(b) **Principal uses and structures:** The following uses and structures are permitted providing any use or group of uses that are developed either separately or as a unit with certain site improvements shared in common, are developed on a site of less than 3 acres:

- 7-

2. Single occupancy retail operations, wholesale and industrial operations with a gross floor area of less than 10,000 square feet shall provide sufficient receiving space on the property so as not to hinder the fast movement of vehicles and pedestrians over a sidewalk, street, or alley.

b. Location and dimension of off-street loading space:

Each space shall have direct access to an alley or street and shall have the following minimum dimensions: Length, 25 feet; width, 12 feet; height, 14 feet.

* * * *

Section XXIV. Definitions.

44. Tourist and transient living accommodations - ~~Any place where tourists, transients, travellers or persons desiring temporary residence are provided with sleeping and sanitary facilities~~ commercially operated housing principally available to short-term visitors for less than 28 days.

a. Motel: A group of tourist accommodation units under one ownership or on one tract of land and designed primarily for access by automobile. Overnight guests may be taken for longer periods than overnights. Eating or cooking facilities shall not be provided within individual units.

b. Tourist court: A group of tourist accommodation units under one ownership or on one tract of land providing facilities for overnight guests or of longer periods of time, and with cooking or eating facilities within the individual units.

c. Hotel: A structure primarily for transient guests, including rooms with or without cooking and complete apartment facilities, but confined within one principal building except for necessary accessory buildings. "

d. Guest house: Any place wherein tourist, transients, travellers or persons desiring temporary residence are provided with sleeping and sanitary facilities. Cooking facilities may or may not be provided in a guest house. The number of rooms in a guest house shall not exceed twenty-five (25). The minimum room sizes for a guest house shall be as follows:

Single room - Eighty (80) square feet.

Double room - One hundred (100) square feet.

Multiple Occupancy Room - One hundred (100) square feet, in addition fifty square feet for each occupant over two (2).

Sanitary facilities shall be provided in a guest house. Where sanitary facilities are shared there shall be provided one (1) water closet, one (1) sink and one (1) bathtub or shower for each eight (8) beds (or portion thereof) sharing the facilities.

Off-street shall be provided for a guest house at the rate of one (1) parking space for each three (3) rooms (or portion thereof).

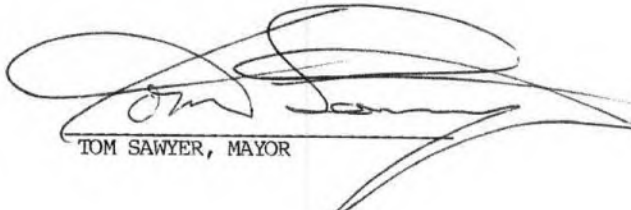
Section 3. If any provision of this Ordinances is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall be not be invalidated.

Section 4. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 19
day of June, 1986.

Read and passed on final reading at a regular meeting held this 1
day of July, 1986.



TOM SAWYER, MAYOR

ATTEST:



JOSEPHINE PARKER, CITY CLERK

WARRANTY DEED
(STATUTORY FORM-SECTION 689.02 F.S.)

THIS INDENTURE, made this 13 day of June 1989, BETWEEN
ALBERT J. OSTERMAN, A SINGLE MAN

of the County of SUFFOLK, State of Massachusetts, grantor*, and
WILLIAM G. VERGE, A SINGLE MAN, and JAMES R. SEITZ, A SINGLE MAN,
as joint tenants with right of survivorship,

whose post office address is 329 Beacon Lane & 723 Eaton St
of the County of Monroe, State of Florida, grantee*,

WITNESSETH: That said grantor, for and in consideration of the sum of
TEN AND NO/100THS DOLLARS-----(\$10.00)-----and other good
and valuable considerations to said grantor in hand paid by said grantee,
the receipt whereof is hereby acknowledged, has granted, bargained and sold
to the said grantee, and grantee's heirs and assigns forever, the following
described land, situate, lying and being in MONROE County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

PARCEL IDENTIFICATION #
Subject to restrictions, reservations, easements and limitations of record,
if any, provided that this shall not serve to reimpose same, zoning
ordinances, and taxes for the current year and subsequent years.
Said grantor does hereby fully warrant the title to said land, and will
defend that same against the lawful claims of all persons whomsoever.
**Grantor" and "grantee" are used for singular or plural, as context
requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the
say and year first above written. Signed, sealed and delivered in our
presence.

WITNESS

ALBERT J. OSTERMAN

WITNESS

WITNESS

WITNESS

STATE OF MASSACHUSETTS
COUNTY OF SUFFOLK

DE P. 2062-50
MONROE COUNTY
DANNY L. KOLHAGE, CLERK OF CT.
By Danny L. Kolhage

I Hereby Certify that on this day, before me, an officer duly
authorized in the State aforesaid and in the County aforesaid to take
acknowledgments, personally appeared
ALBERT J. OSTERMAN, A SINGLE MAN

to me known to be the person described in and who executed the foregoing
instrument and acknowledged before me that he/she executed the same.

WITNESS: my hand and official seal in the County and State last
aforesaid this 15th day of June 1989.

NOTARY SEAL

NOTARY PUBLIC, STATE OF Massachusetts
MY COMMISSION EXPIRES:

William E. Briggs, Jr.
Notary Public
My Commission Expires Oct. 8, 1995

EXHIBIT "A"

On the Island of Key West and being a subdivision of Lot 1 in Square 22 as Lot 5 of said subdivision, having a front on Eaton Street of 46 feet and 6 inches and bounded Southwesterly by the property sold by Richard Bartlum to J. H. Curry by deed which is recorded in Deed Book "F", Page 52, Monroe County, Florida Records, and running parallel with William Street and distant therefrom 139 feet and 6 inches, and having a depth of 37 feet, 6 inches.

This being the same property that was bought by Richard Bartlum from Philip Sawyer and wife by deed which is recorded in Deed Book "A", Page 779, but excepting the parcel which Richard Bartlum sold to J. H. Curry by deed which is recorded in Deed Book "F", Page 52, Monroe County, Florida Records.

ALSO:

On the Island of Key West, and known as Part of Lot 1 in Square 22, according to W. A. Whitehead's Map, but now better known as Part of said Lot 1 according to W. H. Hackley's diagram recorded in Book "D", Record of Deeds, Page 205; Commencing at a point which is 115 feet Northwesterly from Eaton Street and 72 feet Northwesterly from Peacon's Lane, and running thence in a Northwesterly direction parallel with Peacon's Lane 36 feet, 6 inches; thence at right angles in a Northwesterly direction and parallel with Eaton Street 38 feet; thence at right angles in a Northwesterly direction and parallel with Eaton Street 38 feet; thence at right angles in a Southeasterly direction 36 feet, 6 inches; thence at right angles in a Southwesterly direction 38 feet to the point or place of beginning.

ALSO:

On the Island and in the City of Key West, and known and designated on a plan of subdivision of Lot 1 in Square 22, which said plan is recorded in Book D, at Page 205, of the Public Records of Monroe County, Florida, as a Part of Lot Number 6.

Commencing at a point on the Northeastern side of a certain 15-foot lane, which said point is distant Northwesterly 82 feet from the corner of said lane and Eaton Street, running thence, in a Northwesterly direction, along said lane, to the corner of said Lot 6; thence at right angles in a Northwesterly direction along the dividing line between Lot 6 and Lot 7, 93 feet, more or less, to the corner of said Lot 6; thence at right angles in a Southeasterly direction, along the Northeastern boundary line of said Lot 6, to the corner of said Lot 6; thence at right angles, in a Southwesterly direction along the dividing line between said Lot 6 and Lot 5, 46 feet and 6 inches; thence at right angles, in a Northwesterly direction, and parallel with said 15-foot lane, 24 feet and 6 inches; and thence at right angles, in a Southwesterly direction and parallel with Eaton Street, to the point or place of beginning. Being a part of the premises conveyed to Harlan T. Albury --- by Joseph Albury and his wife, Frances, by deed dated June 21, 1903, and recorded in the Public Records of Monroe County, Florida, in Deed Book L, pages 298 and 299. TOGETHER WITH the improvements situated upon the above described parcels of land.

ALSO KNOWN AS:

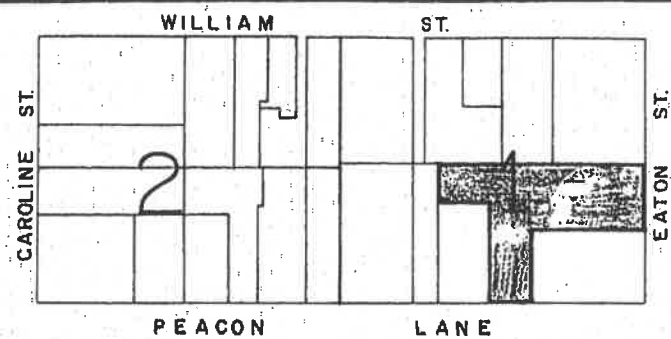
On the Island of Key West and known as part of Lot 1 in Square 22, according to W.A. Whitehead's map, but now better known as part of said Lot 1, according to W.H. Hackley's diagram recorded in Book "D", at page 205, of the Public records of Monroe County, Florida, and being more particularly described as follows:

COMMENCING at the intersection of the Southwesterly right-of-way line of William Street and the Northwesterly right-of-way line of Eaton Street; Southwesterly along the Northwesterly right-of-way line of Eaton Street for 93.0 feet to the Point of Beginning; thence at a right angle and in a Northwesterly direction for 151.50 feet; thence at a right angle and in a Southwesterly direction for 30.00 feet; thence at a right angle and in a Southeasterly direction for 36.50 feet; thence at a right angle and in a Southwesterly direction for 71.25 feet to the Northwesterly right-of-way line of Peacon Lane; thence at an angle of 90°12'00" to the right and in a Southeasterly direction along the said Northwesterly right-of-way line of Peacon Lane for 33.00 feet; thence at an angle of 89°48'00" to the right and in a Northwesterly direction for 54.87 feet; thence at a right angle and in a Southeasterly direction for 82.00 feet to the said Northwesterly right-of-way line of Eaton Street; thence at a right angle and in a Southeasterly direction along the said Northwesterly right-of-way line of Eaton Street for 46.50 feet to the Point of Beginning.

RECORDED'S MEMO:
LEGIBILITY OF WRITING, TYPING, OR PRINTING WAS
UNSATISFACTORY ON THIS DOCUMENT WHEN RECEIVED

594591

REC1095 REC2436



LOCATION MAP

N 1/2 Square 22, City of Key West

594591
REC 095 MAR 24 37

LEGAL DESCRIPTION:

On the Island of Key West and known as part of Lot 1 in Square 22, according to W.A. Whitehead's map, but now better known as part of said Lot 1, according to W.H. Hackley's diagram recorded in Book "D", at page 205, of the Public records of Monroe County, Florida, and being more particularly described as follows:

COMMENCING at the intersection of the Southwesterly right-of-Way line of William Street and the Northwesterly right-of-Way line of Eaton Street; Southwesterly along the Northwesterly Right-of-way of Eaton Street for 93.00 feet to the Point of Beginning; thence at a right angle and in a Northwesterly direction for 151.50 feet; thence at a right angle and in a Southwesterly direction for 30.00 feet; thence at a right angle and in a Southeasterly direction for 36.50 feet; thence at a right angle and in a Southwesterly direction for 71.25 feet to the Northeastery right-of-Way line of Peacon Lane; thence at an angle of 90°12'00" to the right and in a Southeasterly direction along the said Northeastery right-of-Way Line of Peacon Lane for 33.00 feet; thence at an angle of 89°48'00" to the right and in a Northeastery direction for 54.87 feet; thence at a right angle and in a Southeasterly direction for 82.00 feet to the said Northwesterly Right-of-Way line of Eaton Street; thence at a right angle and in a Southeasterly direction along the said Northwesterly right of Way line of Eaton Street for 46.50 feet to the Point of Beginning, Containing 8250.74 Sq Ft, more or less.

SURVEYOR'S NOTES:

North arrow based on an assumed meridian
elevations based on N.G.V.D. 1929 Datum
B.M. No: Basic elevation 14.324

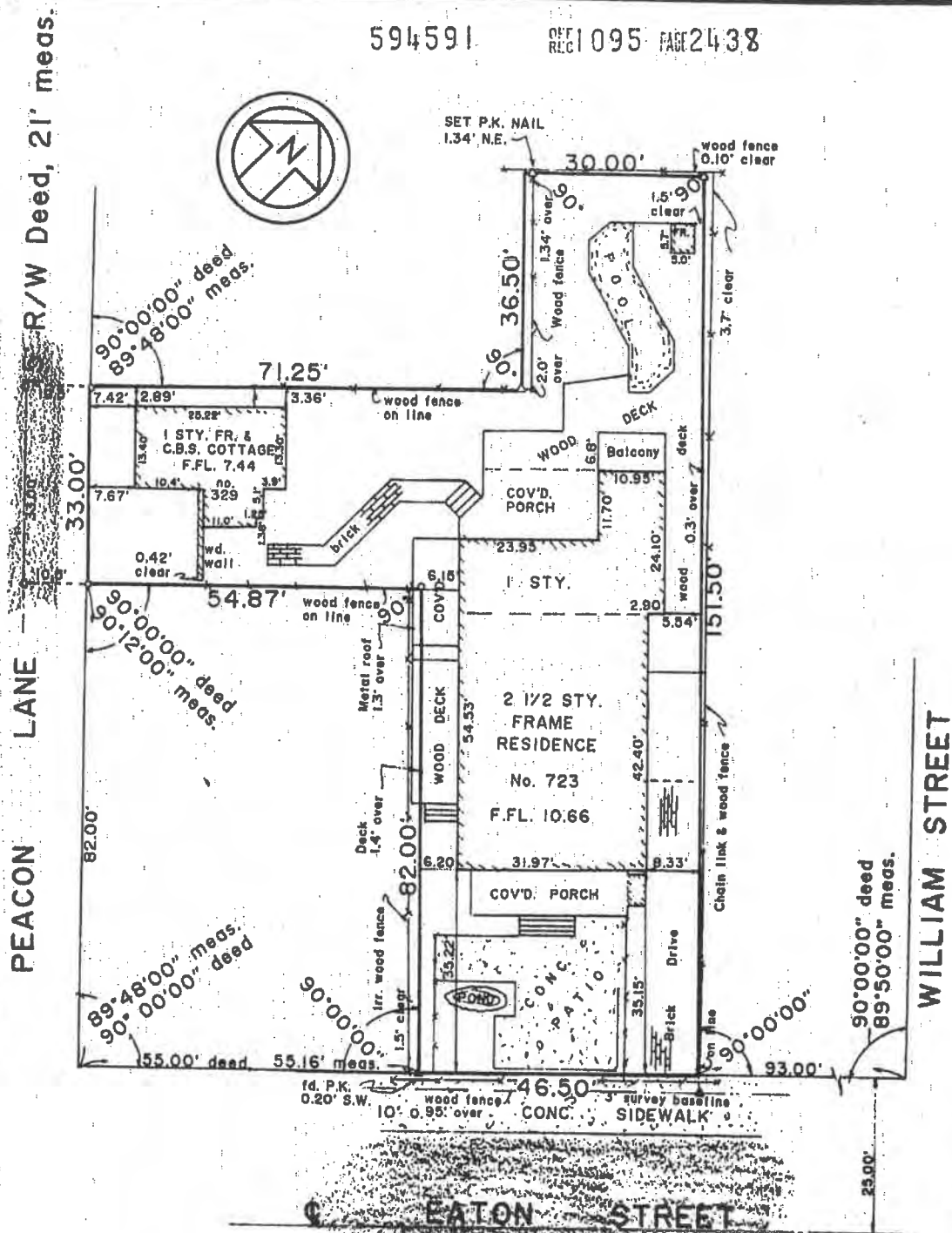
- o = Set Iron pipe
- Δ = Set P.K. Nail/PCP no. 2749

CERTIFICATION MADE TO CALIFORNIA FEDERAL SAVINGS AND LOAN ASSOCIATION, its successors and/or assigns, TITLE GUARANTY OF SOUTH FLORIDA, INC. William Verge, a single man and James Seitz, a single man.

CERTIFICATION:

I HEREBY CERTIFY that the attached Location/Boundary Survey is true and correct to the best of my knowledge and belief, that it meets the minimum technical standards adopted by the Florida Society of Professional Land Surveyors, Florida Statute Section 472.027, and the Florida Land Title Association; and that there are no encroachments unless shown hereon.

FREDERICK W. HILDEBRANDT
Professional Land Surveyor No. 2749
State of Florida



BLOCK 22

William Verge and James Seitz
329 Peacon Lane, Key West, Florida

Location /Boundary Survey

Dwn. No.
89-258

Scale: 1" = 20'

Ref.

Flood Zone: A10

Own. By: F1111

Date: 5/25/89

60-50

Flood Elev: 8'

Rev.

FREDERICK H. HILDEBRANDT, INC.
PROFESSIONAL LAND SURVEYOR

414 Simonton St.
Key West, Fla. 33040
(305) 294-6139

12398 SW 50th Ave.
Miami, Fla. 33155
(305) 295-4472

594591 REF 1005 PAGE 2439
EXHIBIT "A" ATTACHED TO THE SURVEY

FREDERICK H. HILDEBRANDT, INC.
CIVIL ENGINEERS - LAND SURVEYORS

12428 S.W. 82nd Ave.
Miami, Florida 33156
(305) 555-0422

114 Sincennes Street
Panama City, Florida 32401
(904) 924-6139

June 15, 1989

SURVEYOR'S CERTIFICATE

TO WHOM IT MAY CONCERN:

I, Frederick H. Hildebrandt, P.E., P.L.S., a Registered Professional Land Surveyor in the State of Florida, do hereby certify that the attached legal description as given to me by [redacted] is the same as the property described by me on my drawing 89-258.

I also used adjoining deeds to establish my measurements.

[Signature]
Frederick H. Hildebrandt, P.E., P.L.S.
State of Florida
Professional Land Surveyor No. 2749
Professional Engineer No. 36810

RECORDERS NOTE:
LEGIBILITY OF WRITING, TYPING, OR PRINTING WAS
UNSATISFACTORY ON THIS DOCUMENT WHEN RECEIVED

of the Florida Keys, Inc.

Key West

ABSTRACTS

TITLE INSURANCE

594591

OFF REC 1095 PAGE 2440

ABSTRACT

OF TITLE TO AND INCUMBRANCES UPON THE FOLLOWING DESCRIBED PREMISES:

On the Island of Key West and being a subdivision of Lot 1 in Square 22 as Lot 5 of said subdivision having a front on Eaton Street of 46 feet and 6 inches and bounded Southwesterly by the property sold by Richard Bartlum to J. R. Curry by deed which is recorded in Deed Book "P", Page 52, Monroe County, Florida Records, and running parallel with William Street and distant therefrom 139 feet and 6 inches, and having a depth of 57 feet, 6 inches.

This being the same property that was bought by Richard Bartlum from Philip Sawyer and wife by deed which is recorded in Deed Book "E", Page 779, but excepting the parcel which Richard Bartlum sold to J. R. Curry by deed which is recorded in Deed Book "P" Page 52, Monroe County, Florida Records.

ALSO

On the Island of Key West, and known as part of Lot 1 in Square 22, according to W. A. Whitehead's map, but now better known as part of said Lot 1 according to W. H. Backley's diagram recorded in Book "D", record of Deeds, Page 205;

Commencing at a point which is 115 feet Northwesterly from Eaton Street and 72 feet Northeasterly from Peacon's Lane and running thence in a Northwesterly direction parallel with Peacon's Lane 36 feet, 6 inches; thence at right angles in a Northeasterly direction and parallel with Eaton Street 30 feet; thence at right angles in a Southeasterly direction 36 feet, 6 inches; thence at right angles in a Southwesterly direction 30 feet to the Point or Place of Beginning.

ALSO

On the Island and in the City of Key West, and known and designated

PREPARED FOR

HARRIS, ALBURY AND MORGAN

BY

FIRST TITLE SERVICE COMPANY
of the Florida Keys, Inc.

TITLE INSURANCE

Key West
Fla.

22 Kennedy Drive

294-5516
244-1411

NOT TO BE REPRODUCED, COPIED, OR PRINTED WITHOUT THE WRITTEN PERMISSION OF THE FIRST TITLE SERVICE COMPANY

594591

OFF REC 1095 PAGE 2441

on a plan of subdivision of lot 1 in square 22, which said plan is recorded in Book D, at Page 205, of the Public Records of Monroe County, Florida, a part of lot 6.

Commencing at a point on the Northeastern side of a certain 15 foot lane, which said point is distant Northwesterly 82 feet from the corner of said lane and Eaton Street, running thence in a Northwesterly direction along said lane to the corner of said lot 6; thence at right angles in a Northwesterly direction, along the dividing line between lot 6 and lot 7, 46 feet, more or less to the corner of said lot 6; thence at right angles in a Southeasterly direction along the Northeastern boundary line of said lot 6 to the corner of said lot 6; thence at right angles in a Southwesterly direction along the dividing line between said lot 6 and lot 3, 46 feet and 6 inches; thence at right angles in a Northwesterly direction, and parallel with said 15 foot lane, 24 feet and 6 inches; and thence at right angles in a Southwesterly direction and parallel with Eaton Street, to the Point or Place of Beginning.

Being a part of the premises conveyed to the said party of the first part by Joseph Allary and his wife, Francis, by deed dated June 21, 1933, and recorded in the Public Records of Monroe County, Florida, in Book L, Pages 288-296.

Less and except the following description of land last above described, to-wit:

Commencing at a point on the Northeastern side of said certain 15 foot lane, which said point is distant Northwesterly 82 feet from the corner of said lane and Eaton Street, running thence in a Northwesterly direction along said lane, 33 feet to the corner of said lot 6; thence at right angles in a Northwesterly direction along the dividing line between lot 6 and lot 7, 46 feet, 6 inches; thence at right angles in a Southeasterly direction 13 feet; thence at right angles in a Southwesterly direction 46 feet, 6 inches to the Point of Beginning.

ALSO

On the Island of Key West and known or designated on a plat of subdivision of lot 1, in square 22, which said plat is recorded in Book "B", at Page 204, of the Public Records of Monroe County, Florida, as a part of lot 6, described by area and bounds as follows:

Commencing at a point on the Northeastern side of a certain 15 foot lane, which said point is distant Northwesterly 82 feet from the corner of said lane and Eaton Street, running thence in a Northwesterly direction along said lane, 33 feet to the corner of said lot 6; thence at right angles in a Northwesterly direction along the dividing line between lot 6 and lot 7, 46 feet, 6 inches; thence at right angles in a Southeasterly direction 13 feet; thence at right angles in a Southwesterly direction 46 feet, 6 inches to the Point of Beginning.

Recorded in Official Records Book
in Monroe Co. Florida
Record 1095
DANNY L. KOLLEGE
Clerk Circuit Court

RECORDERS MEMO.
LEGIBILITY OF WRITING, TYPING, OR PRINTING WAS
UNSATISFACTORY ON THIS DOCUMENT WHEN RECEIVED

Return to:

Name W. TED ERNST, JR. P.A.

Address 3104 FLAGLER AVENUE
KEY WEST, FL. 33040This Instrument Prepared by: W. TED ERNST, JR.
3104 FLAGLER AVENUE
Address: KEY WEST, FL 33040

Grantee name and S.S. # _____

Grantee Name and S.S.# _____

MONROE COUNTY
OFFICIAL RECORDSFILE #1 000851
BK#1 453 PG#2409RCD Apr 28 1997 03:55PM
DANNY L KOLHAGE, CLERKDEED DOC STAMPS 7.00
04/28/1997 PP DEP CLK**This Indenture**

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described if more than one

Made this 25th day of April A. D. 19 97 ,
Between, ANNIELAURA M. JAGGERS, a single woman,

whose address is 724 Eaton Street, Key West, Florida 33040
of the County of Monroe, in the State of Florida, party of the first part, and
WILLIAM G. VERGE and JAMES R. SEITZ, as joint tenants with the right of survivorship and not as tenants in common,

whose address is 2210 S. Front Street, Apt. 101, Melbourne, Florida 32901
of the County of Monroe, in the State of Florida, party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS ----- Dollars in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Monroe State of Florida, to wit:

A parcel of land in the City of Key West and known and designated on a Plan of a Subdivision by W. R. Hackley, recorded in Deed Book "D", Page 205, Monroe County, Florida, Public Records as part of Subdivisions 5 and 6 of Part of Lot 1, in Square 22, said parcel being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the Northeasterly right-of-way line of Peacon Lane and the Northwesterly right-of-way line of Eaton Street and run thence Northeasterly and along the Northwesterly right-of-way line of the said Eaton Street for a distance of 53 feet to the Point of Beginning of the parcel of land being described herein; thence Northwesterly and at right angles for a distance of 82 feet; thence Northeasterly and at right angles for a distance of 2 feet; thence Southeasterly and at right angles for a distance of 82 feet; thence Southwesterly and at right angles for a distance of 2 feet back to the Point of Beginning.

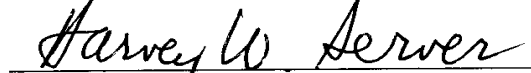
Property Appraiser's Parcel Identification Number: _____

To Have and to Hold the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.


In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

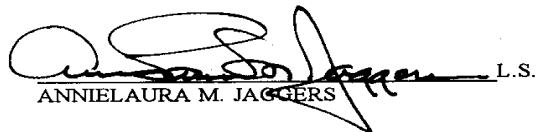
Witnesses:



Printed Name HARVEY W. SERVER



Printed Name DEBORAH CONDELLA



ANNIELAURA M. JAGGERS

L.S.

Printed Name _____

Printed Name _____

L.S.

FILE #1000851
BK#1453 PG#2410

State of Florida

County of Monroe

The foregoing instrument was acknowledged before me this 25th day of April 1997 ,
by ANNIELAURA M. JAGGERS who is/are personally know to me and has produced
Arkansas Driver's License as identification and who ~~did~~ (did not) take an oath.

DEBORAH A. CONDELLA
Notary Public, State of Florida
My Comm. Expires Mar. 16, 1998
No. CC 353673
Bonded Thru Official Notary Service

Deborah A. Condella
Signature

DEBORAH A. CONDELLA
Printed Name

Title

Serial #, if Any

MONROE COUNTY
OFFICIAL RECORDS

Doc # 2251047 Bk# 3002 Pg# 1722 Electronically Recorded 1/7/2020 at 3:40 PM Pages 2
Filed and Recorded in Official Records of MONROE COUNTY KEVIN MADOK
Electronically REC: \$18.50 Deed Doc Stamp \$0.70

PREPARED BY AND RETURN TO:
RICHARD M. KLITENICK, ESQ.
RICHARD M. KLITENICK, P.A.
1009 SIMONTON STREET
KEY WEST, FL 33040
305-292-4101
FILE NUMBER: RE19-063
RECORDING FEE: \$18.50
DOCUMENTARY STAMPS PAID: \$0.70

[space above this line for recording data]

WARRANTY DEED

THIS WARRANTY DEED is made on this 2nd day of January, 2020, between FYF, LLC, a Wisconsin limited liability company, whose address is 429 South Lake Shore Dr., Lake Geneva, WI, 53147-2128, (hereinafter 'Grantor'), and PEACON LANE REALTY, LLC, a Florida limited liability company, whose address is 43 South Water Street East, Fort Atkinson, WI, 53538, (hereinafter "Grantee").

(Whenever used herein the terms 'Grantor' and 'Grantee' include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said Grantor, for and in consideration of the sum of TEN & 00/100^{ths} DOLLARS (\$10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, with the street address of 329 Peacon Lane, Key West FL 33040, more particularly described as:

ON THE ISLAND OF KEY WEST, MONROE COUNTY, FLORIDA, AND KNOWN OR DESIGNATED ON A PLAT OF THE SUBDIVISION OF LOT 1, IN SQUARE 22, WHICH SAID PLAT IS RECORDED IN DEED BOOK "D", PAGE 205, PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AS A PART OF LOT 6, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHEASTERN SIDE OF PEACON LANE, WHICH SAID POINT IS DISTANT NORTHWESTERLY 82 FEET FROM THE CORNER OF SAID LANE, AND EATON STREET, RUNNING THENCE IN A NORTHWESTERLY DIRECTION, ALONG SAID LANE, 33 FEET TO THE CORNER OF SAID LOT 6, THENCE AT RIGHT ANGLES IN A NORTHEASTERLY DIRECTION ALONG THE DIVIDING LINE BETWEEN LOT 6 AND LOT 7, 46 FEET AND 6 INCHES, THENCE AT RIGHT ANGLES IN A SOUTHEASTERLY DIRECTION 33 FEET; THENCE AT RIGHT ANGLES IN A SOUTHWESTERLY DIRECTION 46 FEET AND 6 INCHES TO THE POINT OF BEGINNING.

PARCEL IDENTIFICATION NUMBER: 00003400-000100; ALTERNATE KEY ("AK") NUMBER 9104453

SUBJECT TO CONDITIONS AND RESTRICTIONS OF RECORD, IF ANY; HOWEVER, THIS DEED SHALL NOT OPERATE TO RE-IMPOSE THE SAME

SUBJECT TO: TAXES FOR THE YEAR 2020 AND SUBSEQUENT YEARS

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 lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully

WARRANTY DEED
FYF, LLC TO PEACON LANE REALTY, LLC
329 PEACON LANE, KEY WEST, FL
PAGE 1 OF 2

Doc. # 2251047 Page Number: 2 of 2

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, 2019, and those items listed above.

In Witness Whereof, Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

FYF, LLC, a Wisconsin limited liability company

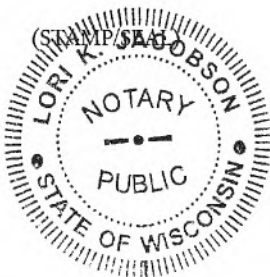
M. Albarran
Witness # 1 signature
Print name: M. Albarran

By L. Erdman
Letitia Erdman, Manager & Authorized Member

M. Lynn Taylor
Witness # 2 signature
Print name: Mery Lynn Taylor

STATE OF WISCONSIN
COUNTY OF Walworth

I HEREBY CERTIFY that on this 2nd day of January, 2020, before me, an officer duly authorized to administer oaths and take acknowledgements in the State and County above mentioned, the foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, by LETITIA ERDMAN, Manager and/or Authorized Member of FYF, LLC, a Wisconsin limited liability company, on behalf of the company, who is personally known to me, or who has produced drivers license as identification, and who has executed this Deed for the purposes herein expressed, with all requisite corporate authority.



Lori K. Jacobson
Notary Public, State of Wisconsin
My Commission Expires: 5-08-2020

WARRANTY DEED
FYF, LLC TO PEACON LANE REALTY, LLC
329 PEACON LANE, KEY WEST, FL
PAGE 2 OF 2

Policy 1-2.3.7: Historic Residential/Office (HRO). The historic residential/office (HRO) policy designation on the Future Land Use Map (FLUM) is designed to accommodate business and professional offices as well as single family, duplex, and multiple family residential structures within the historic Old Town. Customary accessory uses and community facilities also locate within the areas designated HRO. Areas designated HRO are not intended to accommodate transient lodging or guest houses. However, existing legal transient residential uses of record shall be considered as "grandfather" uses and may continue to exist so long as all conditions of approval are satisfied.

The allowable maximum residential density shall be a maximum sixteen (16) units per acre. The maximum intensity of office or mixed use development shall not exceed a floor area ratio of one (1.00) considering total floor area allocation to all uses. This land use policy designation expressly excludes transient lodging and guest homes, general retail sales and services, warehousing, and outside storage.

Land development regulations shall include performance criteria for managing issues surrounding land use compatibility; historic preservation; access to public facilities with available capacity; urban design amenities; and related issues which must be managed to ensure effective Comprehensive Plan implementation.

In order to manage the impacts of future development on transportation and public facilities, the City shall limit the intensity of development within areas designated "Historic Residential/Office" (HRO) on the Future Land Use Map to activities generating no more than fifty (50) trips per one-thousand (1000) square feet of gross leasable floor area per day.

Policy 1-2.3.8: Off-Street Parking Trust Fund. The city shall establish an off-street parking trust fund for commercial land uses (excluding permanent and transient residential land uses) located within the following historic area Future Land Use Map designations: HRO; HRCC-1; HRCC-3; and the HNC-1 designation, excepting the area east of Elizabeth Street. Upon plan adoption the City shall identify strategically located sites near the fringe of the historic area which shall be developed as satellite parking areas for commercial land uses located within the above noted Future Land Use Map designations within the historic area. Development within these specifically referenced Future Land Use Map designations shall either provide required off-street parking or contribute fees to the City's off-street parking trust fund. this strategy shall also serve to encourage use of mass transit.

Policy 1-2.3.9: Retention of Historic Character and All Permanent Single Family Housing Units. The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect all the City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal single family lot of record. Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent single family units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent single family housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.

OBJECTIVE 1-2.4: MANAGING CONSERVATION RESOURCES. The Future Land Use Map designates lands which are environmentally fragile conservation resources for long term "Conservation" land use. Environmentally sensitive conservation resources together with some lands under public ownership are generally designated for "Conservation" as defined in the below stated policies. Conservation resources generally include tidal and freshwater wetlands, tidal ponds, upland hammocks, the yellow heart hammock, mangroves, beaches, natural shoreline, and land within the hurricane vulnerability zone (VE-zone) as identified on the Federal Emergency Management Administration (FEMA) flood insurance rate map. At least a portion of these areas also contain uplands which are generally adaptive to restricted development. However, in order to direct populations away from coastal high hazard areas along the South A1A - Atlantic Boulevard Corridor, density shall be restricted to eight (8) units per acre.

CITY OF KEY WEST

Comprehensive Plan Goals, Objectives and Policies



Conformed Version

Adopted August 10, 1993 (Ordinance 93-36), as amended:

<u>Date</u>	<u>Ordinance Number</u>	<u>Type of Amendment</u>
August 1, 1995	95-27	Text
September 1, 1995	95-31	Map
November 6, 1996	96-27	Map
September 9, 1999	99-17	Text and Map
July 6, 2000	00-15	Text
January 7, 2003	03-03	Map

Conformed Version Prepared March 2008, City of Key West Planning Department

Note: This document was recreated from the original August 1993 Plan in part through OCR technology; the official adopted plan and amending ordinances are available at the City Clerk's Office for review. Please contact the Planning Department with any questions or concerns.

advertises by common theme of architecture, signage, or operations be allowed. Such stores usually differ from limited commercial shops since the former generally require a larger floor area, carry a relatively larger inventory and require a substantially greater off-street parking area. Uses which are not intended to be accommodated within the limited commercial area include the following: large scale discount stores or supermarkets; department stores; wholesale and warehousing activities; sales, service or repair of motor vehicles, machine equipment or accessory parts, including tire and battery shops; automotive service centers; fast food establishments primarily serving in disposable containers and/or providing drive-in facilities; and other similar services to be expressly defined in the land development regulations.

Policy 1-2.3.9: Off-Street Parking Trust Fund. The city shall establish an off-street parking trust fund for commercial land uses (excluding permanent and transient residential land uses) located within the following historic area Future Land Use Map designations: HRO; HRCC-1; HRCC-3; and the HNC-1 designation, excepting the area east of Elizabeth Street. Upon plan adoption the City shall identify strategically located sites near the fringe of the historic area which shall be developed as satellite parking areas for commercial land uses located within the above noted Future Land Use Map designations within the historic area. Development within these specifically referenced Future Land Use Map designations shall either provide required off-street parking or contribute fees to the City's off-street parking trust fund. This strategy shall also serve to encourage use of mass transit.

Policy 1-2.3.10: Retention of Historic Character and All Permanent Single Family Housing Units. The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect the entire City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal single family lot of record. Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent single family units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent single family housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.

OBJECTIVE 1-2.4: MANAGING CONSERVATION RESOURCES. The Future Land Use Map designates lands which are environmentally fragile conservation resources for long term "Conservation" land use. Environmentally sensitive conservation resources together with some lands under public ownership are generally designated for "Conservation" as defined in the below stated policies. Conservation resources generally include tidal and freshwater wetlands, tidal ponds, tidal waters extending 600 feet from the corporate limits of the City of Key West, upland hammocks, the yellow heart hammock, mangroves, beaches, natural shoreline, and land within the hurricane vulnerability zone (VE-zone) as identified on the Federal Emergency Management Administration (FEMA) flood insurance rate map. At least a portion of these areas also contain uplands which are generally adaptive to restricted development. However, in order to direct populations away from coastal high hazard areas along the South A1A - Atlantic Boulevard Corridor, density shall be restricted to eight (8) units per acre.

Upon plan adoption land development regulations shall be amended to incorporate a regulatory framework for ensuring preservation of "Conservation" designated lands.

The intent of the conservation resources management objective is to provide for the long term preservation of environmentally sensitive natural resource systems.

Upon plan adoption the land development regulations shall be amended and shall include performance criteria for preserving the value and function of such wetlands and other environmentally sensitive natural resources pursuant to the Comprehensive Plan goals, objectives, and policies within the Coastal Management and Conservation elements. Such regulations shall be consistent with federal and state regulatory policy affecting specific parcels. The subdivision and site plan review processes shall incorporate procedures for ensuring effective management of such natural resources.

Policy 1-2.4.1: Conservation Designation (C). The Future Land Use Map identifies and delineates the following land use sub-categories for all lands classified "Conservation"



The City of Key West Comprehensive Plan

Adopted March 5, 2013, Ordinance No. 13-04

∞

Mayor Craig Cates

Commissioner Jimmy Weekley

Commissioner Mark Rossi

Commission Billy Wardlow

Commissioner Tony Yaniz

Commissioner Teri Johnston

Commissioner Clayton Lopez

∞

City Manager Bogdan Vitas, Jr.

Director of Community Development Services & Planning Director, Donald Leland Craig, AICP

City Attorney Shawn D. Smith

Chief Assistant City Attorney Larry Erskine

∞

City Planning Board

Richard Klitenick, Chairman

Timothy W. Root, Vice-Chairman

Michael Browning

James Gilleran

Lisa Tennyson

Sam Holland, Jr.

Gregory Oropeza

∞

Principal Contributing Staff and Consultants

Nicole Malo, Planner II

Ashley Monnier, Planner II

Brendon Cunningham, Senior Planner

Alison Higgins, Sustainability Coordinator

Carlene Smith, Planner Analyst

The Corradino Group

Bell David Planning Group

Key West Aerial Photo Credit

Andy Newman/Monroe County Tourist Development Council

Kevin Bond, Planner II

Policy 1-1.10.1: Programming for Archaeological and Historic Sites. The City shall continue to coordinate with the State and federal government in developing programs for implementing City, State, and federal policies for identifying, preserving, and enhancing sites of historical and archaeological significance. Programs for identification, evaluation of relative significance, protection, preservation, and enhancement shall be promoted, utilizing available public resources at the local, State, and Federal level as well as available private sector resources.

Policy 1-1.10.2: Preventing Adverse Impact of Development on Historic or Archaeological Sites. The Land Development Regulations shall include precautions necessary to prevent the following adverse impacts to historic or archaeological sites of significance:

1. Destruction or alteration of all or part of such site;
2. Isolation from or significant alteration to its surrounding environment;
3. Introduction of visible, audible, or atmospheric elements that are out of character with the property or significantly alter its setting;
4. Transfer or sale of a site of significance without adequate conditions or restrictions regarding preservation, maintenance, or use; and
5. Other forms of neglect resulting in its deterioration.

Policy 1-1.10.3: Retention of Historic Character and All Permanent Single Family Housing Units. The City desires to retain in perpetuity the existing character, density, and intensity of all historic sites and contributing sites within the historic district; and shall protect the entire City's permanent single family housing stock citywide which was legally established prior to the adoption of the plan on a legal lot of record. Therefore, the City shall protect and preserve these resources against natural disaster, including fire, hurricane, or other natural or man-made disaster, by allowing any permanent units within the City, or other structures located on historic sites or contributing sites, which are so damaged to be rebuilt as they previously existed. This policy is adopted to prevent the erosion of the permanent housing stock; to ensure the continuance of a viable local economy; and to preserve the historic density, intensity, scale, design, and ambiance of the Key West historic area of state and national significance.

OBJECTIVE 1-1.11: PROTECTION OF NATURAL RESOURCES. The City shall maintain and enforce Land Development Regulations which ensure that development and conservation activities shall protect natural resources as directed by the below stated policies.

Monitoring Measure(s): Number of acres preserved through conservation measures and activities.

Policy 1-1.11.1: Future Land Use Policies for Managing Environmentally Sensitive Lands. Policies in the Conservation Element for managing environmentally sensitive natural systems, including, but not limited to, water resources, wetlands, upland hammocks, mangroves, sea grasses, coral reef, other living marine resources, and other environmentally sensitive resources shall be carried out through performance criteria in the Land Development Regulations.

These and other natural resources identified on the Future Land Use Map series shall be protected and/or preserved pursuant to goals, objectives, and policies stipulated in the Conservation Element. In addition, Land Development Regulations provide more detailed procedures and performance criteria to implement conservation and natural resource protection.

Policy 1-1.11.2: Intergovernmental Coordination and Natural Resource Management. The City shall continue to coordinate with the State, the South Florida Water Management District, the South Florida Regional Planning Council, Monroe County, state agencies, and other agencies concerned with managing