

Requirements of KWGCHOA by the KW City Commission

- 390 dwelling units to be constructed:
 - 1995: 330 duplex/townhomes + 60 single-family homes
 - 2004: 292 duplex/townhomes + 98 single-family homes (constructed & existing)
 - Of these, 40 units are affordable housing, to be affordable for a period of 5 years (affordability requirement appears to have expired)
 - Units not allowed to be converted to “transient” units
- Common ground amenities:
 - Designated children’s open play area
 - Provide no fewer than 450 parking spaces
 - Environment / landscaping
 - Provide environmental interpretation area
 - Not remove, damage, or relocate (1995) existing onsite trees without approval from City
 - Coordinate with environmental agencies to protect habitat of Stock Island Tree Snail and agree to cooperate in a repopulation program in an onsite vegetated location with native plants
 - Provide a perpetual access easements during normal business hours to the KW Audubon Society and the FL Game and Fresh Water Commission
 - Provide a Least Tern and other bird nesting area onsite in a location suitable for Least Tern nesting activity
 - Other amenities (not existing)
 - 1995: General Store, Day Care, 3 Tennis Courts, 3 Pools, and Environmental Observation Tower and Boardwalk
 - 2004: Site plan excludes the above other amenities.
- Lot dimensional requirements
 - 1995
 - Max height = 40 ft
 - 2004
 - Max height = 35 ft
 - Max. units per lot = 1
 - Max. nonresidential floor area ratio (FAR) = 0.8
 - Max. building coverage of lot = 40%
 - Max. impervious surface of lot = 60%
 - Min. front setback of lot = 5 ft
 - Min. side setback of lot = 5 ft, 0 ft for specific items, and allowed to retain existing side setbacks as of 2004
 - Min. rear setback of lot = 5 ft, 0 ft for listed items
 - Fence or hedge up to 9.5 ft high to shield from errant golf balls
 - On the lots listed in “Table A” below – Pools and spas prohibited and decks above 30 inches and porches and balconies must be screened
 - On portions of the rear yard lots in “Table B” below – No improvements are allowed, except for landscaping

Table A. List of Lots Prohibited from adding Pools and Spas

8 Whistling Duck Ln	Lot 59	4 Spoonbill Way	Lot 174	8 Golf Club Dr	Lot 60
10 Whistling Duck Ln	Lot 57	6 Spoonbill Way	Lot 173	10 Golf Club Dr	Lot 61
12 Whistling Duck Ln	Lot 56	8 Spoonbill Way	Lot 172	12 Golf Club Dr	Lot 62
48 Kingfisher Ln	Lot 87	10 Spoonbill Way	Lot 171	14 Golf Club Dr	Lot 63
46 Kingfisher Ln	Lot 88	12 Spoonbill Way	Lot 170	16 Golf Club Dr	Lot 64
44 Kingfisher Ln	Lot 89	14 Spoonbill Way	Lot 169	18 Golf Club Dr	Lot 65
42 Kingfisher Ln	Lot 90	16 Spoonbill Way	Lot 168	19 Golf Club Dr 1	Lot 66A
40 Kingfisher Ln	Lot 95	18 Spoonbill Way	Lot 167	19 B Golf Club Dr	Lot 66B
38 Kingfisher Ln	Lot 96	20 Spoonbill Way	Lot 166	20 Golf Club Dr	Lot 67A
36 Kingfisher Ln	Lot 97	22 Spoonbill Way	Lot 165	22 Golf Club Dr	Lot 67B
34 Kingfisher Ln	Lot 98	24 Spoonbill Way	Lot 164	24 Golf Club Dr	Lot 68
32 Kingfisher Ln	Lot 99	26 Spoonbill Way	Lot 163	26 Golf Club Dr	Lot 69
30 Kingfisher Ln	Lot 100	28 Spoonbill Way	Lot 162	95 Golf Club Dr	Lot 278
28 Kingfisher Ln	Lot 101	30 Spoonbill Way	Lot 161	97 Golf Club Dr	Lot 279
26 Kingfisher Ln	Lot 102	32 Spoonbill Way	Lot 160	99 Golf Club Dr	Lot 280
1 Kestral Way	Lot 124	34 Spoonbill Way	Lot 159	101 Golf Club Dr	Lot 281
3 Kestral Way	Lot 125	36 Spoonbill Way	Lot 157B	103 Golf Club Dr	Lot 282
5 Kestral Way	Lot 126	38 Spoonbill Way	Lot 157A	105 Golf Club Dr	Lot 283
7 Kestral Way	Lot 127	40 Spoonbill Way 1	Lot 156B	107 Golf Club Dr	Lot 284
9 Kestral Way	Lot 128	40 Spoonbill Way 2	Lot 156A	109 Golf Club Dr	Lot 285
11 Kestral Way	Lot 129	42 Spoonbill Way 1	Lot 155B	111 Golf Club Dr	Lot 286
13 Kestral Way	Lot 130	42 Spoonbill Way 2	Lot 155A	113 Golf Club Dr	Lot 287
15 Kestral Way	Lot 131	44 Spoonbill Way 1	Lot 154B	115 Golf Club Dr	Lot 288
17 Kestral Way	Lot 132	44 Spoonbill Way 2	Lot 154A	117 Golf Club Dr	Lot 289
19 Kestral Way	Lot 133	46 Spoonbill Way 1	Lot 153B	119 Golf Club Dr	Lot 290
21 Kestral Way	Lot 134	46 Spoonbill Way 2	Lot 153A	121 Golf Club Dr	Lot 291
23 Kestral Way	Lot 135	48 Spoonbill Way	Lot 152	123 Golf Club Dr	Lot 292
25 Kestral Way	Lot 136	49 Spoonbill Way	Lot 138	125 Golf Club Dr	Lot 293
27 Kestral Way	Lot 137	50 Spoonbill Way	Lot 151	127 Golf Club Dr	Lot 294
		51 Spoonbill Way	Lot 139	129 Golf Club Dr	Lot 295
		53 Spoonbill Way	Lot 140	131 Golf Club Dr	Lot 296
		55 Spoonbill Way	Lot 141	133 Golf Club Dr	Lot 297
		57 Spoonbill Way	Lot 142	135 Golf Club Dr	Lot 298
		59 Spoonbill Way	Lot 143	137 Golf Club Dr	Lot 299
		61 Spoonbill Way	Lot 144	139 Golf Club Dr	Lot 300
		63 Spoonbill Way	Lot 145		
		65 Spoonbill Way	Lot 146		
		67 Spoonbill Way 1	Lot 147A		
		67 Spoonbill Way 2	Lot 147B		
		69 Spoonbill Way	Lot 148A		
		71 Spoonbill Way	Lot 148B		
		73 Spoonbill Way	Lot 149A		
		75 Spoonbill Way	Lot 149B		

Table B. List of Parts of Lots Prohibited from Other Improvements

30 Whistling Duck Lane – Rear 8.00 feet of rear yard
58 Golf Club Drive – Rear 28.92 feet of rear yard
60 Golf Club Drive – Rear 27.90 feet of rear yard
105 Golf Club Drive – Entire rear yard

Table C. Timeline and Summary of Approvals and Recorded Documents

Date	Purpose
1/19/1995	Interdevelopment Agreement (official record 1338-1137) Interdevelopment agreement between Key West Country Club, Inc. ("Club", predecessor of HOA) and Key West Country Club Development, Inc. ("Developer") to construct approx. 353 Townhomes, easements, etc.
1/20/1995	City Commission Resolution No. 95-27 City consents to assignment of ground lease to Key West Country Club, Inc.
2/09/1995	City Commission Resolution No. 95-47 Approves amended site plan, per Case No. 94-554-CA-18; conditioned on an executed Development Agreement, following circuit court judgement.
3/08/1995	City Commission Resolution No. 95-86 Approves amended site plan for Key West Golf Club with an increase to number of homes from 350 to 430 units, neighborhood map, and house/unit drawings and floorplans.
3/08/1995	City Commission Resolution No. 95-87 Approved execution of a drafted Development Agreement.
4/27/1995	City Commission Resolution No. 95-156 (official record 1353-2220) Approved execution of a signed Development Agreement Recording of Development Agreement with approved Master Site Plan map. Use and Intensity: <ul style="list-style-type: none"> (1) 390 dwelling units, no more than 460,000 sq ft total. 60 single-family home + 330 duplex units. 240 2-bedroom units + no more than 150 3-bedroom units. 40 of the 390 units will be "affordable housing". (2) Nonresidential max. 30,000 sq ft total: including, but not limited to, Golf course clubhouse, sales office, general store, day care site, management office, maintenance facilities, restaurant with no more than 75 seats and up to 2,500 sq ft. (3) 3 Tennis course, max. 22,500 sq ft. (4) Community gardens, min. 25,000 sq ft. (5) General store, min. 1,000 sq ft building (6) Daycare site, min. 1,000 sq ft building. (7) Children's play area, playground, entrance pavilion, boardwalk, observation tower and environmental displays (8) 3 Swimming pools. Conditions: <ul style="list-style-type: none"> (1) Plan shall include children's open play area and environmental interpretation area, as designated on approved Master Site Plan. (2) Not remove, damage, or relocate any of the existing on-site protected trees without approval by City Tree Commission. (3) Coordinate with environmental agencies to protect habitat of Stock Island Tree Snail and agree to cooperate in a repopulation program at a location designated on approved Master Site Plan, vegetated with native plants. (4) Comply with 40-ft height restrictions. (5) Total of 3 pools to be installed onsite. (6) Shall provide no fewer than 450 parking spaces onsite. (7) Construct 40 units of "affordable housing"; upon closing, sales price shall be affordable for a period of 5 years. (8) Units shall be residential and not converted to transient. (9) Provide a perpetual easement of access during normal business hours to the Key West Audubon Society and the FL Game and Fresh Water Commission. And, shall include a Least Tern and other bird nesting area at a location designated on approved Master Site Plan, suitable for Least Tern nesting activity.
6/26/1995	Deed (official record 1361-767) Grantor: Key West Golf Club Development, Inc. Grantee: John J. Behmke and Key D. Behmke Description: Transfer ownership of land area, part of Master Site Plan, of the sales office.

12/13/1994	Utility Agreement (official record 1370-1749) Agreement to use KW Resort Utilities Corp services for wastewater/ sewage utility services.
11/09/1995	Restrictive Covenant (official record 1377-750) The Declaration of Protective Covenants, Restrictions and Easements of the Key West Golf Club, a Townhome Planned Unit Development, as made by the Key West Golf Club Development, Inc.
1/17/1996	Utility Easement (official record 1386-078) Easement agreement for BellSouth Telecommunications, Inc. (predecessor of AT&T) to attach or lay cable or conduit, etc. and grants an easement for telecommunications.
5/07/1998	Golf Course Access Easement (official record 151-2314) Granted access easement, including but not limited to access road.
5/07/1998	Golf Cart Path Easement (official record 1517-2338) Granted access easement for golf carts and pathways.
5/07/1998	Golf Ball Easement (official record 1517-2349) Granted access easement to golfers and golf course to retrieve errant balls, if: 1) Golf balls are clearly visible from Golf Course property, and 2) Property owner has not created a barrier to access, such as fence, landscaping which prevents direct entry upon homeowner's property.
5/13/1998	Amendment of Interdevelopment Agreement (official record 1517-2357) Amendment to the 1995 Interdevelopment Agreement, including but limited to, establishing and Architectural Control Committee, revising and establishing parameters in the relationship between the Golf Club (predecessor of the HOA) and the Golf Course, and standard language if property is conveyed back to the City.
5/16/2001	Deed (official record 1697-142) Grantor: Key West Golf Club Development, Inc. Grantee: Key West Golf Club Homeowner's Association, Inc. Description: Portions of Master Site Plan (excluding sales office and some unused lands) transferred ownership to the HOA.
10/10/2003	Deed (official record 1997-1062) Grantor: Key West Golf Club Development, Inc. Grantee: City of Key West, FL Description: Portions of unused lands transferred ownership to the City of Key West.
4/20/2004	2 nd Amendment of Interdevelopment Agreement (official record 1998-2018) 2 nd Amendment to the 1995 Interdevelopment Agreement, allowing for the expansion of some rear yards of the residential lots, additional covenants of the land, easements for construction purposes.
10/16/2003	Easement (official record 2000-868) Easement across Golf Course lands for construction of pools, spas, and other similar structures in rear yards.
1/22/2004	City Commission Ordinance No. 04-02 City revising land development regulations with additional limitations and restrictions for the KW Golf Club HOA, as approved by HOA attorneys, as a settlement for the final Master Site Plan. Approved Site Plan Surveys: <ol style="list-style-type: none"> (1) Playground (2) 2 pools (3) 390 houses: 292 duplex/townhomes + 98 single-family homes (4) No daycare site, no grocery store, no 3rd pool, no tennis courts Land Development Regulations: <ol style="list-style-type: none"> (1) Max. 1 dwelling unit per lot. (2) Max. nonresidential FAR 0.8. (3) Max. height: 35 ft. (4) Max. building coverage: 40% (5) Max. impervious surface: 60% (6) Min. front setback 5 ft (7) Min. side setback 5 ft (0 for listed items), and allowed to retain setbacks as effective of ordinance date (8) Min. rear setback: 5 ft (0 for listed items) (9) Final Master Site Plan surveys include: