

AGENDA
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Thursday, October 2nd, 2025 - 9:30 am
Marble Hall, 600 W. Ocean Drive, Key Colony Beach, Florida 33051 & via Zoom Conferencing
[Zoom Conferencing Information at the end of the Agenda](#)

1. **Call to Order, Pledge of Allegiance & Roll Call**
2. **Approval of the Agenda** (Additions, changes, and deletions can be made via one motion and a second to approve by majority vote)
3. **Citizen Comments & Correspondence – Pg. 1**
4. **Approval of Minutes: Planning & Zoning Board Minutes July 23rd, 2025 – Pgs. 2-4**
5. **Administration of the Oath of Witness**
6. **Disclosure of Ex-Parte Communication – Pg. 5**
7. **Variance Request: A Variance Request from Gizelle Andrade Sarmiento and Ian Michael Morgan, owners of the property at 491 10th Street, Key Colony Beach, Florida 33051, for the construction of a residential pool that would encroach into the setback by 5 feet.**
 - a. Proof of Legal Publications & Affidavits of Mailing/Posting – **Pgs. 6-10**
 - b. Variance Application – **Pgs. 11-18**
 - c. Recommendation by the Building Official
 - d. Letter(s) of Approval from Neighbors (recommended/not required)
 - e. Applicant Questions & Responses - **Pg. 12**
 - f. Post-Hearing Questions – **Pgs. 19-20**
 - g. Recommendation to approve, deny, or approve with conditions
8. **Variance Request: A Variance Request from Capi Group Holdings, LLC., owner of the property at 1250 Coury Drive, Key Colony Beach, Florida 33051, The Applicant requests an After-the-Fact Variance from the City of Key Colony Beach Land Development Regulations, Chapter 101, Section 10 (8), for the construction of an approved residential project that has reached its top level as per the permitted plans. A variance is sought for additional height to provide access to the observation deck, which was previously approved as part of the original project design, and the requested height increase is necessary to ensure safe and functional access.**
 - a. Proof of Legal Publications & Affidavits of Mailing/Posting – **Pgs. 21-25**
 - b. Variance Application – **Pgs. 26-30**
 - c. Recommendation by the Building Official – **Pg. 31**
 - d. Letter(s) of Approval from Neighbors (recommended/not required) – **Pgs. 32-33**
 - e. Applicant Questions & Responses – **Pg. 27**
 - f. Post-Hearing Questions – **Pgs. 34-35**
 - g. Recommendation to approve, deny, or approve with conditions
9. **Discussion/Recommendation on a Code Amendment to Side Setback requirements for Residential Swimming Pools – Pgs. 36-37**

“Members of the Public may speak for three minutes and may only speak once unless waived by a majority vote of the commission.”

Letters submitted to the City Clerk to be read at the Commission Meeting will be made part of the record but not read into record. Persons who need accommodations in order to attend or participate in this meeting should contact the City Clerk at 305-289-1212 at least 48 hours prior to this meeting in order to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

10. Discussion and Recommendation on a Code Amendment for Boat Lift Installations on 7th Street & Marina Subdivision No.2

a. Draft Ordinance No. 2025-502 – Pgs. 38-40

11. Other Business

12. Next meeting: October 15th, 2025

13. Adjourn

This meeting will be held at the City Hall Auditorium ‘Marble Hall’, 600 W. Ocean Drive, Key Colony Beach, and via Zoom.

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/81449026684?pwd=diQ5HzPhL65ouhgCgPBatOdvLmacG9.1>

Passcode:401581

Phone one-tap:

+13052241968,,81449026684#,,,,*401581# US

+13092053325,,81449026684#,,,,*401581# US

Join via audio:

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

Webinar ID: 814 4902 6684

Passcode: 401581

International numbers available: <https://us02web.zoom.us/j/81449026684>

Silvia Roussin

From: Steve Wenger <stevelwenger@gmail.com>
Sent: Saturday, September 6, 2025 1:48 PM
To: Silvia Roussin
Subject: 1250 COURY DRIVE

We received the notice of hearing for the above property and the After-the Fact Variance. We own the home next door to this property to the north. We have NO objections to this project and its height.

Sincerely,

Steven and Ann Wenger
100 13th Street, KCB

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, July 23rd, 2025 - 9:30 am

Marble Hall, 600 W. Ocean Drive, Key Colony Beach, Florida 33051 & via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance & Roll Call:** The Key Colony Beach Planning & Zoning Board meeting was called to order by Chair George Lancaster at 9:35 AM followed by the Pledge of Allegiance and Rollcall. **Present:** Chair George Lancaster, Leonard Geronemus, Bob Glassman, Lynne Conkling (via Zoom). **Absent:** Lin Walsh. **Also present:** Mayor Freddie Foster, City Administrator John Bartus, Administrative Assistant Linda Jones, City Clerk Silvia Roussin. Variance Applicant: Jennifer Hamill. **Also absent:** Building Official Tony Loreno.

2. **Approval of the Agenda** (Additions, changes, and deletions can be made via one motion and a second to approve by majority vote)

Chair Lancaster asked for any changes to the agenda. There were none, and Chair Lancaster asked for a motion.

MOTION: Motion made by Leonard Geronemus to approve. Bob Glassman seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments & Correspondence:** None.

4. **Approval of Minutes:** Planning & Zoning Board Minutes June 18th, 2025

Chair Lancaster asked for any changes to the minutes. There were none, and Chair Lancaster asked for a motion to approve.

MOTION: Motion made by Bob Glassman to approve the minutes. Leonard Geronemus seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

5. **Administration of the Oath of Witness:** City Clerk Roussin administered the Oath of Witness to Mayor Foster, who was presenting for absent Building Official Loreno, as well as the applicant Jennifer Hamill.

6. **Disclosure of Ex-Parte Communication:** None.

7. **Variance Request(s): A Variance Request from Dale and Jennifer Hamill, owners of the property at 150 11th Street, Key Colony Beach, Florida 33051, for the construction of a residential pool that would encroach into the setback by 5 feet.**

- a. **Proof of Legal Publications & Affidavits of Mailing/Posting:**

Proof of Publications and Affidavits of Mailing and Posting were included in the agenda packet.

- b. **Presentation of Variance Request – Building Department**

Chair Lancaster introduced the variance request and deferred to the Building Department for elaboration. Mayor Foster, attending on behalf of Building Official Loreno, stated that after reviewing the application, he found no objections to the request.

Mayor Foster requested the number of occurrences for this type of variance and the possibility of reviewing the ordinance. Chair Lancaster confirmed a planned review by the Planning & Zoning Board and the Building Department and said he would follow up on the matter.

c. **Variance Application:** Included in the agenda packet.

d. **Applicant Questions & Responses**

Chair Lancaster read the applicant's questions and responses into the record and noted that question Number 2 appeared to have been misunderstood by the applicant.

Chair Lancaster invited the applicant to speak. Variance applicant Jennifer Hamill addressed the hardship question. Mayor Foster stated that financial hardship would apply to the applicant and noted the ambiguity in the wording of the question.

Chair Lancaster asked for questions from the Board. Lynne Conkling commented on the issue of hardship and suggested reviewing the policy and procedures for recurring types of variances. Chair Lancaster confirmed he would meet with the Building Department on this matter. Lynne Conkling also inquired about the need for neighbor approval. City Clerk Roussin explained the variance procedures and the requirement to give public notice to neighbors within 300 feet of the applicant's property, allowing them the opportunity to speak on the requested variance. Chair Lancaster agreed with Lynne Conkling that a letter of approval would be helpful, but he noted that no objections to the requested variance had been received.

There was no further discussion.

e. **Post-Hearing Questions**

City Clerk Roussin provided the reading of the Post-Hearing Questions and administered Rollcall.

1.) Has the applicant shown good and sufficient cause to grant the variance?

Bob Glassman	Yes
George Lancaster	Yes
Lin Walsh	absent
Leonard Geronemus	Yes
Lynne Conkling	Yes

2.) Will denial of the variance result in unnecessary hardship to the applicant?

George Lancaster	Yes
Lin Walsh	absent
Leonard Geronemus	Yes
Lynne Conkling	Yes
Bob Glassman	Yes

3.) Granting this variance will not result in public expense, a threat to public health & safety and it will not create a threat to or nuisance, or cause fraud or victimization of the public?

Lin Walsh	absent
Leonard Geronemus	Yes
Lynne Conkling	Yes
Bob Glassman	Yes
George Lancaster	Yes

4.) The property has unique or peculiar conditions or circumstances to this property that do not apply to other properties in the same zoning district.

Leonard Geronemus	Yes
Lynne Conkling	Yes
Bob Glassman	Yes
George Lancaster	Yes
Lin Walsh	absent

5.) Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood?

Lynne Conkling	Yes
Bob Glassman	Yes
George Lancaster	Yes
Lin Walsh	absent
Leonard Geronemus	Yes

f. Recommendation to approve, deny, or approve with conditions

Chair Lancaster entertained a motion on the variance application.

MOTION: Motion made by Bob Glassman to approve. Leonard Geronemus seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the recommendation to approve passed and will be presented to the City Commission on August 21st.

8. Any Other Business: None.

9. Next meeting: City Clerk Roussin informed that the August meeting has been cancelled, which Chair Lancaster confirmed.

10. Adjourn: The meeting adjourned at 9:50 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

EX-PARTE COMMUNICATIONS

An ex-parte communication is defined as:

any contact, conversation, communication, writing, correspondence, memorandum or any other verbal or written communication that takes place outside a public hearing between a member of the public and a member of a quasi-judicial board, regarding matters which are to be heard and decided by said quasi-judicial board.

Site visits and expert opinions are also considered ex-parte communications.

In the event that someone contacts a Board Member about a quasi-judicial matter outside of a public meeting, at such time that particular issue is brought before the Board, the Board Member should state on the record:

- the existence of any ex-parte communication,
- the nature of the communication,
- the party who originated the ex-parte communication, and
- whether or not the ex-parte communication affects your ability to impartially consider the evidence presented.

Similarly, any correspondence received by a Board Member must be forwarded to the Board Clerk.

Note: The term “Board Member” would include all members of the Code Enforcement Board, the Planning & Zoning Committee, and the City Commission when they are acting in a quasi-judicial capacity (for example, but not limited to, code violation hearings and variance hearings).

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF MONROE

Before me, the undersigned authority personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 18 day of August, 2025 (no less than 30 days prior to the Planning & Zoning Public Hearing on October 2nd, 2025, and the City Commission Public Hearing on October 16th, 2025) I mailed the Notice of Hearing by first class U.S. mail to the address on file with the Monroe County Property Appraiser's Office for all property owners within 300 feet of the property at 491 10th Street, Key Colony Beach, Florida, 33051.



Signature

Sworn and subscribed before me this
18th day of August, 2025.



Notary Public, State of Florida
My commission expires: _____



Personally known

_____ Produced _____ as identification

City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



To: Property Owners within 300 feet of 491 10th Street
From: The City of Key Colony Beach
Key Colony Beach Planning & Zoning Board **and** the Key Colony Beach City Commission

**NOTICE IS HEREBY GIVEN,
THAT THE CITY OF KEY COLONY BEACH WILL BE HOLDING
PUBLIC HEARINGS ON:**

DATE/TIME:

Planning & Zoning Hearing: Thursday, October 2nd, 2025, 9:30 A.M.
City Commission Public Hearing: Thursday, October 16th, 2025, 9:30 A.M.

LOCATION:

City of Key Colony Beach
City Hall Auditorium 'Marble Hall'
600 W. Ocean Drive, Key Colony Beach, Florida 33051,

To hear a Variance Request from Gizelle Andrade Sarmiento and Ian Michael Morgan, owners of the property located at 491 10th Street, Key Colony Beach, Florida 33051. This meeting will be available via Zoom Meetings. Members of the public who wish to attend virtually may email the City Clerk at cityclerk@keycolonybeach.net or call 305-289-1212, Ext. 2 for further instructions on attending via Zoom Meetings.

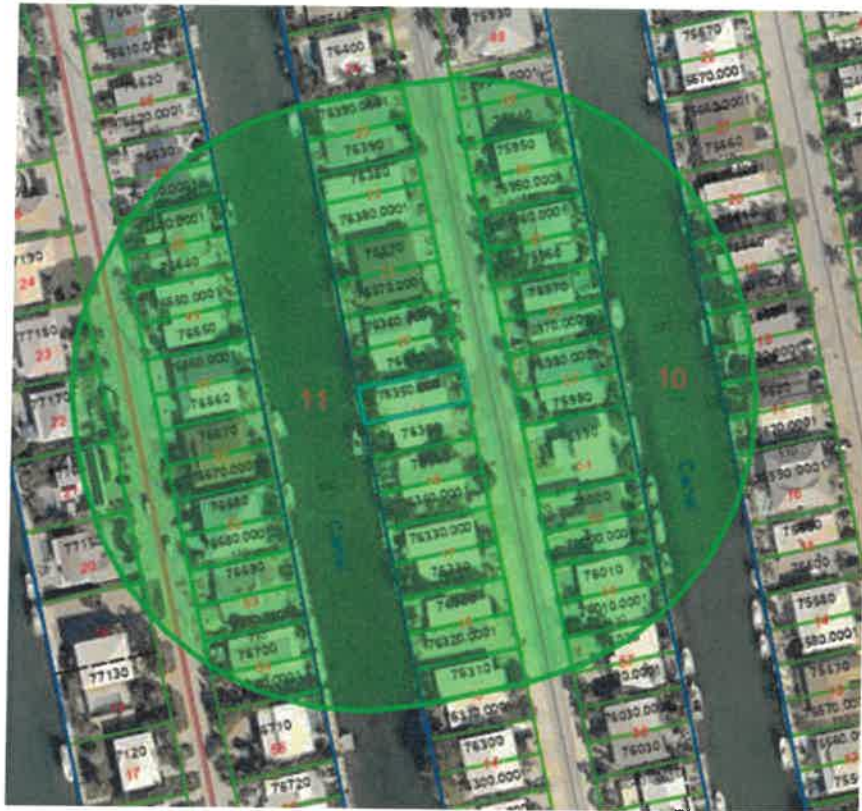
The applicant requests a variance to the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26, for the construction of a residential swimming pool that would encroach in the setback by five (5) on the side.

Interested parties may attend the Hearing and be heard with respect to the requested variance.

If any person decides to appeal any decision made by the City Commission of the City of Key Colony Beach with respect to any matter considered at the Variance Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you are unable to attend the Hearings on Thursday, October 2nd, 2025, or Thursday, October 16th, 2025, but wish to comment, please direct correspondence to the City Clerk at P.O. Box 510141, Key Colony Beach, FL 33051, or via email at cityclerk@keycolonybeach.net, and your comments will be entered into the record.

Mailed: On or before September 2nd, 2025
City Clerk, City of Key Colony Beach



Parcel ID 00076350-000100
Account# 8588534
Property ID 8588534
Millage Group 50KC
Location Address 491 10TH St, KEY COLONY BEACH
Legal Description BK 11 N 1/2 LT 19 AMENDED PLAT OF KEY COLONY BEACH FIRST ADDN PB4-11 OR413-901 OR840-1313 OR1352-2334 OR1400-341 OR1473-307 OR1473-308 OR1564-2358 OR2549-1259 OR2651-1610 OR2802-1046 OR2827-541 OR3116-0993 OR3311-2372
 (Note: Not to be used on legal documents.)

AFFIDAVIT OF POSTING

STATE OF FLORIDA
COUNTY OF MONROE


Before me, the undersigned authority personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 17 day of September, 2025 (no less than 14 days prior to the Planning & Zoning Public Hearing on October 2nd, 2025, and the City Commission Public Hearing on October 16th, 2025) I posted the Notice of Hearing for the property located at 491 10th Street, Key Colony Beach, Florida, 33051, at the United States Postal Office and City Hall.

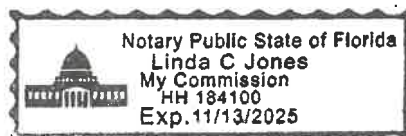


Signature

Sworn and subscribed before me this
17th day of September, 2025.



Notary Public, State of Florida
My commission expires: 11/13/25



Personally known

Produced _____ as identification



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

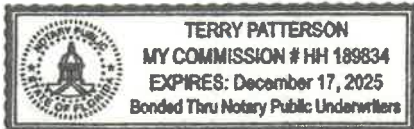
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

September 18, 2025

Affiant further says that the said **WEEKLY NEWSPAPERS** is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this 18 day of SEPT, 2025.
(SEAL)


Notary



PUBLIC HEARING NOTICE
NOTICE IS HEREBY GIVEN,
THAT THE CITY OF KEY
COLONY BEACH WILL BE
HOLDING
PUBLIC HEARINGS ON:
DATE/TIME:
Planning & Zoning Hearing:
Thursday, October 2nd, 2025,
9:30 A.M.
City Commission Public
Hearing: Thursday, October
16th, 2025, 9:30 A.M.
LOCATION:
City of Key Colony Beach
City Hall Auditorium / Marble
Hall
600 W. Ocean Drive, Key
Colony Beach, Florida 33051.
To hear a Variance Request
from Gizelle Andrade
Sarmiento and Ian Michael
Morgan, owners of the
property located at 491
10th Street, Key Colony
Beach, Florida 33051. This
meeting will be available via
Zoom Meetings. Members
of the public who wish to
attend virtually may email
the City Clerk at cityclerk@
keycolonybeach.net or call
305-289-1212, Ext. 2 for further
instructions on attending via
Zoom Meetings.
The applicant requests
a variance to the City of
Key Colony Beach Land
Development Regulations,
Article IV, Sec. 101-26, for the
construction of a residential
swimming pool that would
encroach in the setback by five
(5) on the side.
Interested parties may attend
the Hearing and be heard
with respect to the requested
variance.
If any person decides to appeal
any decision made by the City
Commission of the City of Key
Colony Beach with respect
to any matter considered at
the Variance Hearing, that
person will need a record of
the proceedings and for such
purpose may need to ensure
that a verbatim record of the
proceedings is made, which
record includes the testimony
and evidence upon which the
appeal is to be based.
If you are unable to attend
the Hearings on Thursday,
October 2nd, 2025, or
Thursday, October 16th, 2025,
but wish to comment, please
direct correspondence to the
City Clerk at P.O. Box 510141,
Key Colony Beach, FL 33051,
or via email at cityclerk@
keycolonybeach.net, and your
comments will be entered into
the record.
Published: On or before
September 18th, 2025
City Clerk, City of Key Colony
Beach
Publish:
September 18, 2025
The Weekly Newspapers

CITY OF KEY COLONY BEACH
P.O. BOX 510141
KEY COLONY BEACH, FL 33051-0141
305-289-1212 FAX: 305-289-1767

APPLICATION FOR VARIANCE

APPLICANT: Gizelle Andrade Sarmiento and Ian Michael Morgan 713-962-8636
Property Owner Name Phone Number

491 10th St Key Colony Beach, FL 33051 BK 11 N 1/2 LT 19 KEY COLONY BEACH 1ST ADD
Street Address of Variance Lot Block Subdivision

9475 NW 52nd Doral Ln Doral FL 33178
Mailing Address of Property Owner

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

Amazing Pools of the Keys, Inc. / Lisette Llago Guerrero 305-440-3282
Agent Name Agent Phone Number

VARIANCE REQUESTED to: Land Development Regulations Chapter 101, Section 26
Code of Ordinances Chapter _____, Section _____

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by _____ feet). Also state if this is for future construction or existing conditions.

Variance request for a setback to install a residential pool that would encroach into the side setback by 5 feet. This is for existing conditions.

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant Gizelle Andrade

Office Use Only

Date Filed 7.29.25

Date Paid 7.24.25 Check # CC

Variance granted / denied on (date) _____

Signature of City Official _____

Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

1. What is the "good and sufficient cause" that explains why this variance should be granted?
We are requesting a variance on the 10 feet side setback to a 5 feet setback to build a small pool in the only area available, but having 10 feet setback will be impossible.
Given the restricted available space since the addition granted in the past, the front of the property remains the only practical location for the pool installation.
2. What are the unnecessary hardships that would result if the variance is not granted?
If the variance is not granted, the property owner would not be able to use a pool, which is not common to other properties in the area. The hardship is due to the limit of space and prevents the reasonable use of the property as intended.
3. If this variance is granted, would there be any increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?
If the variance is granted, there would not be any increase to public expense, it would not create a threat to public health or safety. It would not create a nuisance or cause fraud or the victimization of the public.
4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?
Limit of space.
5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?
If the variance is granted it would not confer any privilege to the applicant, we feel that every homeowner should be treated equal and if a variance is requested is because is needed.

Office Use Only

Comments and Recommendation of the Building Official

ONLY FEASIBLE OPTION FOR HOMEOWNER TO ACCOMMODATE A POOL WITH LIMITED SPACE SETBACK WILL NOT AFFECT NEIGHBORING PROPERTY PLUS FULL EXISTING 6 FT PRIVACY FENCE IN PLACE

Applicant Questions and Responses-
LAND DEVELOPMENT REGULATIONS - Section 101-171. Variances.

(1) **Initiation.** Any owner, agent, lessee or occupant of land or a structure may apply in writing to the city clerk for a variance, on that land, from the requirements of this chapter, except that no request for a use variance will be considered. Details must be included with the request and be filed with the city clerk together with the established fee for a variance. If the applicant is other than the owner of the property, the written consent of the owner for the variance requested must be submitted with the application. When the petitioner is a public agency, the city commission may authorize the waiver or reduction of the fee.

(2) **Planning and zoning committee procedure.**

- (a) Upon receipt of a written request, the city clerk will deliver the request to the planning and zoning committee.
- (b) The planning and zoning committee shall make an investigation of the conditions pertaining to the requested variance in advance of the public hearing by the city commission. This investigation shall be at a duly noticed meeting. Mailing of notice of the meeting shall be made by the city to all property owners within three hundred (300) feet of the boundaries of the property which is the subject of the variance request.
- (c) The planning and zoning committee, shall make their recommendation to the city commission in writing, based upon the standards in (5) below. They may recommend approval or disapproval of the variance or may recommend approval of the same subject to such specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of this chapter. Reasons for the recommendation shall be stated.

(3) **City commission procedure.**

- (a) After receipt of the planning and zoning committee report, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173.
- (b) After their public hearing the city commission may approve or disapprove the requested variance or may approve the same subject to specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of the zoning ordinance. If the applicant desires to present evidence not presented to the planning and zoning committee, the matter shall be returned to the planning and zoning committee for further deliberation and recommendation unless the city commission finds by majority vote that the new evidence is insignificant or unsubstantial.
- (c) The commission shall state reasons for their decision, based on the standards detailed in (5) below.
- (d) The decision of the city commission shall be final. No new request for similar action concerning the same property may be made to the city commission or planning and zoning committee for a period of not less than six (6) months after the date of said decision by the city commission.

(4) **Effective period.**

A building permit application must be submitted within twelve (12) months of variance approval otherwise the approval expires. Any extension of up to twelve (12) months may be granted by the city commission for good cause.

Applicant Questions and Responses-

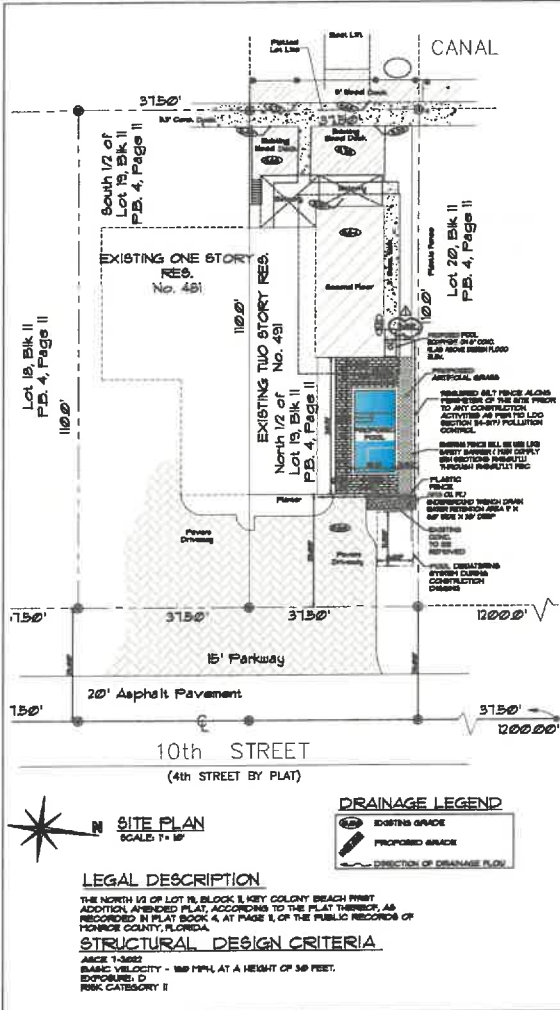
(5) Standards for granting variances.

(a) Specific criteria:

- (1) The applicant shall demonstrate a showing of good and sufficient cause;
- (2) Failure to grant the variance would result in unnecessary hardship to the applicant;
- (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;
- (4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district;
- (5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of established development patterns.

(b) Recommendations to the city commission.

- (1) If all 5 specific criteria are met, then the planning & zoning committee shall recommend approval to the city commission. Approval by the city commission would be by majority vote of the city commission.
If the planning & zoning committee finds the five (5) specific criteria are not met, they shall recommend disapproval of the variance unless they specifically find that the granting of the variance will have minimal adverse effect on other citizens of the city or on the city. Approval of a variance where all five (5) specific criteria are not met shall require a favorable vote of four-fifths (4/5) of the city commission.
- (2) Conditions: The planning and zoning committee may recommend, and the city commission may prescribe, appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.
- (3) Use Variance: Under no circumstances shall the city commission grant a variance to permit a use not generally permitted in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.



ARCHITECT'S NOTES

TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THE STRUCTURAL DESIGN COMPLIES WITH THE APPLICABLE SECTIONS OF THE FLORIDA BUILDING RESIDENTIAL CODE AND ALL CITY OF MIAMI APPLICABLE CODES.

MEANS AND METHODS OF CONSTRUCTION AND SAFETY PRECAUTIONS ARE THE RESPONSIBILITIES OF THE CONTRACTOR.

IN THE EVENT THAT ORLANDO PEREZ JR, ARCHITECT, IS NOT RETAINED TO PROVIDE CONSTRUCTION OBSERVATION SERVICES DURING THE CONSTRUCTION, IT IS AGREED THAT THE OWNER WILL OWN, INDEMNIFY AND HOLD HARMLESS THE ARCHITECT FROM ANY CLAIM OR SUIT WHATSOEVER, INCLUDING BUT NOT LIMITED TO ALL PAYMENTS, DAMAGES OR COSTS INCURRED, ARISING FROM OR ALLEGED TO HAVE AROSE FROM THE CONTRACTOR'S WORK TO CONFORM TO THE DESIGN INTENT AND THE CONTRACT DOCUMENTS. THE ARCHITECT AGREES TO BE RESPONSIBLE FOR HIS OR HIS EMPLOYEES' NEGLIGENCE ACTS, ERRORS, OR OMISSIONS.

GENERAL NOTES:

1. THE GENERAL AREA INTENDED TO SHOW THE GENERAL AGREEMENT, DESIGN AND EXTENT OF THE WORK AND ARE PARTIALLY DIAGNOSTIC. THEY ARE NOT INTENDED TO BE SCALED FOR DIMENSIONAL MEASUREMENTS OR TO SERVE AS SHOP DRAWINGS OR PORTIONS THEREOF.
2. ALL DETAILS AND SECTIONS SHOWN ON THE DRAWINGS ARE INTENDED TO BE TYPICAL AND SHALL BE CORRECTED TO APPLY TO ANY SIMILAR SITUATION UNLESS NOTED OTHERWISE ON THE PROJECT EXCEPT WHERE A DIFFERENT DETAIL IS SHOWN.
3. THE CONTRACTOR AND ALL SUBCONTRACTORS SHALL VERIFY ALL GRADES, LEVELS, DIMENSIONS AND EXISTING CONDITIONS AT THE JOB SITE AND AS SHOWN ON THE DRAWINGS. THEY SHALL REPORT ANY ERRORS OR INCONSISTENCIES IN THE ABOVE TO THE ARCHITECT OR ENGINEER BEFORE COMMENCING WORK. THE CONTRACTOR AND HIS SUBCONTRACTORS SHALL LAY OUT THEIR WORK FROM ESTABLISHED REFERENCES.
4. IF ANY ERRORS OR OMISSIONS APPEAR IN THE DRAWINGS, GENERAL NOTES OR ANY OTHER DOCUMENTS, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ENGINEER IN WRITING OF SUCH OMISSIONS OR ERRORS PRIOR TO PROCEEDING WITH ANY WORK WHICH APPEARS IN QUESTION. IN THE EVENT OF THE CONTRACTOR FAILING TO GIVE SUCH NOTICE, HE SHALL BE HELD RESPONSIBLE FOR THE RESULTS OF ANY SUCH ERRORS OR OMISSIONS AND THE COST OF RECTIFYING THE SAME.
5. THE CONTRACTOR SHALL USE THE STRUCTURAL DRAWINGS TOGETHER WITH THE ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS TO LOCATE DIMENSIONED SLABS, SLOPES, OUTLETS, RECESSED, OPENINGS, ROUGH SETTINGS, ALUMINUM, DRIVERS, ETC. NOTIFY ARCHITECT OR ENGINEER OF ANY POTENTIAL CONFLICTS BEFORE PROCEEDING WITH THE WORK.
6. SHOP DRAWINGS: NO SHOP DRAWINGS SHALL BE SUBMITTED FOR ARCHITECT'S OF ENGINEER'S APPROVAL OR REVIEW UNTIL AFTER THEY HAVE BEEN THOROUGHLY REVIEWED BY THE CONTRACTOR FOR CONSTRUCTION METHODS DIMENSIONS AND OTHER TRADE REQUIREMENTS AND STAMPED WITH THE CONTRACTOR'S APPROVAL STAMP. ARCHITECT ASSUMES NO RESPONSIBILITY FOR DIMENSIONS, QUALITIES, ERRORS OR OMISSIONS AS A RESULT OF REVIEWING ANY SHOP DRAWINGS. ANY ERRORS OR OMISSIONS MUST BE MADE GOOD BY THE CONTRACTOR PRIOR TO COMMENCING SUCH DRAWINGS.

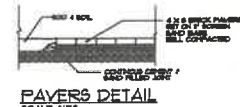
FLOOD ZONE INFORMATION

FLOOD ZONE	AE
BASE FLOOD ELEVATION	6' 10" TO 28
DESIGN FLOOD ELEVATION	7' 10" TO 28
EXISTING FLOOD ELEVATION	6' 4" TO 28

UNIT AREA

PROPOSED CONC. POOL	368.8 SQ. FT.
PROPOSED PAVING DECK POOL	78.8 SQ. FT.

COMPLIANCE WITH THE FLORIDA BUILDING CODE
TO THE BEST OF THE UNDERWRITER'S ABILITY AND PROFESSIONAL JUDGMENT, THESE PLANS MEET THE REQUIREMENTS OF THE FLORIDA BUILDING RESIDENTIAL CODE (FBC) 7th EDITION, 2018.



LOCATION MAP
N.T.A.

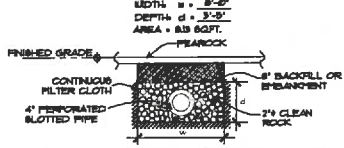
OPEN SPACE CALCULATION TOTAL LOT AREA = 428.81

-EXISTING RESIDENCE FOOTPRINT	= 1289.82 SQ. FT. = 41.29
-EXISTING CONC. DECK	= 3488.82 SQ. FT. = 117.95
-EXISTING CONC. DECK	= 348.58 SQ. FT. = 11.28
-EXISTING PAVING DRIVEWAY	= 896.58 SQ. FT. = 28.86
-PROPOSED POOL	= 368.82 SQ. FT. = 11.88
-PROPOSED PAVING POOL DECK	= 78.82 SQ. FT. = 2.52
TOTAL IMPERVIOUS AREA	= 5380.84 SQ. FT. = 159.85
REQUIRED OPEN SPACE = 39	
PROPOSED OPEN SPACE AREA = 88.82 SQ. FT. = 26.14	
PROPOSED OPEN SPACE AREA 30% REQUIRED OPEN SPACE AREA = 11.67	

TOTAL STORMWATER CALCULATIONS:

VOLUME REQUIRED FOR PRESENT PROJECT = 45.80 FT³ X 6.25 FT = 285.62 CU. FT.

V₁ = 818 CU. FT. / 8.0 FT. D = 102.25 FT.
V₂ = 1.5 FT. X 10.0 FT. X 10.0 FT. = 150.00 FT.
818 CU. FT. / 8.0 FT. D = 102.25 FT.
L = 818 CU. FT. / 8.0 FT. D = 102.25 FT.
L = 102.25 FT.



FRENCH DRAIN CROSS SECTION
N.T.A.

ALL ACCESSORY STRUCTURES WITHIN THE SHORELINE SETBACK ARE CONSTRUCTED AT A FOUNDATION HEIGHT NOT TO EXCEED 18 INCHES ABOVE GRADE.

OPED Architect, LLC
ORLANDO PEREZ JR., ARCHITECT
10101 NW 10th Ave, Suite 203
Miami, FL 33150
305-551-8997

A BUILDING POOL FOR:
MICHAEL I. MORSEAN 4
421 10TH AVE, SUITE 203, MIAMI, FL 33150
PERM. NO. 2020-16-3300-20000000

DATE: 09-05-2020
DRAW BY: YFP
C-0

POOL GENERAL NOTES:

1. ALL POOL GATE OR CONCRETE SHALL ATAIN 3500 PSI COMPRESSIVE STRENGTH WITH 50 DAYS.
2. REINFORCING SHALL BE THE BELLEF ISABEL CONFORMING TO ASTM A618, GRADE 60.
3. ALL PIPING SHALL BE PVC SCHEDULE 40, APPROVED FOR USE IN POTABLE WATER.
4. INSTALLATION OF LIGHT, LATCH, DOOR, WINDOW, ETC. SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 404 OF THE NATIONAL ELECTRICAL CODE.
5. THE OWNER SHALL PROVIDE ADEQUATE ELECTRICAL SERVICE FOR THE OPERATION OF THE PUMP, HEATER, LIGHTS, ETC. THE OWNER SHALL PROVIDE A DISCONNECT SWITCH AT THE POOL EQUIPMENT LOCATION IF IT IS NOT WITHIN 50 FEET OF THE PUMP OR HEATER SERVICE POINT.
6. THE POOL PUMP MOTOR, LIGHT, HEATER, AND LATCH OR WINDOW SHALL BE LOCATED TO THE POOL DECK WITH A 9" SOLID COVER WIRE IN A 7" NON-CORRODIVE CONDUIT BASED FLOOD ELEVATION OR FLOOD-PROOFED.
7. PUMP EQUIPMENT, INCLUDING FILTER AND/OR HEATER, SHALL BE LOCATED ABOVE THE PRESCRIBED FLOOD ELEVATION OR FLOOD-PROOFED.
8. ON SITE INSPECTION PICKERS BAND AND ROCK WITH A BEARING CAPACITY OF 10 KIP. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IF OTHER CONDITIONS ARE ENCOUNTERED.
9. ALL FIBRO CONCRETE SHALL ATAIN 3500 PSI COMPRESSIVE STRENGTH WITH 50 DAYS.
10. POOL BARRIER SHALL BE IN ACCORDANCE WITH LOCAL CODES.
11. THE OWNER SHALL PROVIDE A SCREEN ENCLOSURE, FENCE, OR WALL WITH SELF-CLOSING AND SELF-LATCHING GATES IN ACCORDANCE WITH LOCAL CODES REQUIREMENTS WITH APPROVED.
12. OWNER AND SUBLEASER SHALL BE RESPONSIBLE FOR ADDRESSING RELEASES FROM UTILITY COMPANIES FOR ALL PROPOSED CONSTRUCTION WITHIN AN UTILITY EASEMENT OR RIGHT OF WAY.

POOL SAFETY REQUIREMENT

RESIDENTIAL SWIMMING POOLS SHALL COMPLY WITH SECTIONS THROUGH PARAGRAPHS.

PARAGRAPH 1
 THE TOP OF THE BARRIER SHALL BE AT LEAST 48 INCHES (1219 MM) ABOVE GRADE MEASURED ON THE SIDE OF THE BARRIER WHICH FACES AWAY FROM THE SWIMMING POOL. THE MAXIMUM VERTICAL CLEARANCE BETWEEN GRADE AND THE BOTTOM OF THE BARRIER SHALL BE 2 INCHES (51 MM) MEASURED ON THE SIDE OF THE BARRIER WHICH FACES AWAY FROM THE SWIMMING POOL. WHERE THE BARRIER IS MOUNTED ON TOP OF THE POOL STRUCTURE, THE BARRIER IS MOUNTED ON TOP OF THE POOL STRUCTURE. THE MAXIMUM VERTICAL CLEARANCE BETWEEN THE TOP OF THE POOL STRUCTURE AND THE BOTTOM OF THE BARRIER SHALL BE 4 INCHES (102 MM).

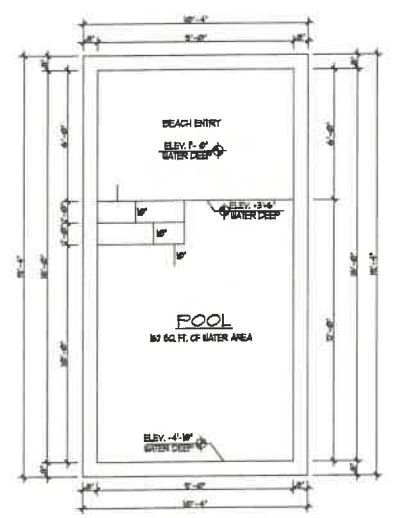
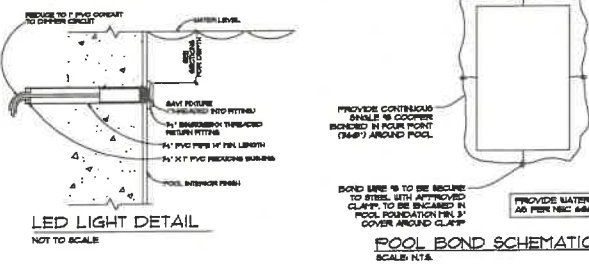
PARAGRAPH 2
 THE BARRIER MAY NOT HAVE ANY GAPS, OPENINGS, INDENTATIONS, PROTRUSIONS, OR STRUCTURAL COMPONENTS THAT COULD ALLOW A YOUNG CHILD TO CRAWL UNDER, SQUEEZE THROUGH, OR CLIMB OVER THE BARRIER AS HEREIN DESCRIBED. BELOW ONE END OF A REMOVABLE CHILD BARRIER SHALL NOT BE REMOVABLE WITHOUT THE AID OF TOOLS. OPENINGS IN ANY BARRIER SHALL NOT ALLOW PASSAGE OF A 4-INCH-DIAMETER (102 MM) SPHERE.

PARAGRAPH 3
 ACCESS GATES, WHEN PROVIDED, SHALL BE SELF-CLOSING AND SHALL COMPLY WITH THE REQUIREMENTS OF SECTIONS THROUGH PARAGRAPHS. ACCESS GATES SHALL BE EQUIPPED WITH A SELF-LATCHING LOCKING DEVICE LOCATED ON THE POOL SIDE OF THE GATE. WHERE THE DEVICE RELEASE IS LOCATED NO LESS THAN 54 INCHES (1371 MM) FROM THE BOTTOM OF THE GATE, THE DEVICE RELEASE MECHANISM MAY BE LOCATED ON EITHER SIDE OF THE GATE AND SO PLACED THAT IT CANNOT BE REACHED BY A YOUNG CHILD OVER THE TOP OR THROUGH ANY OPENING OR GAP FROM THE OUTSIDE. GATES THAT PROVIDE ACCESS TO THE SWIMMING POOL MUST OPEN OUTWARD AWAY FROM THE POOL. THE GATES AND BARRIER SHALL HAVE NO OPENINGS GREATER THAN 1/2 INCH (12.7 MM) WITHIN 4 INCHES (101.6 MM) OF THE RELEASE MECHANISM.

PARAGRAPH 4
 WHERE A WALL OF A DWELLING SERVES AS PART OF THE BARRIER, ONE OF THE FOLLOWING SHALL APPLY:
 1. ALL DOORS AND WINDOWS PROVIDING DIRECT ACCESS FROM THE HOME TO THE POOL SHALL BE EQUIPPED WITH AN EXIT ALARM COMPLIANT WITH UL 267 THAT HAS A MINIMUM SOUND PRESSURE RATING OF 90 DBA AT 16 FEET (4.88 M). ANY DEACTIVATION SWITCH SHALL BE LOCATED AT LEAST 54 INCHES (1371 MM) ABOVE THE THRESHOLD OF THE ACCESS. SEPARATE ALARMS ARE NOT REQUIRED FOR EACH DOOR OR WINDOW IF SENSORS WIRRED TO A CENTRAL ALARM SOUND WHEN CONTACT IS BROKEN AT ANY OPENING.

BOND SYSTEM NOTES BY NEC 2020:

1. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.
2. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.
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92. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.
93. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.
94. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.
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96. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.
97. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.
98. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.
99. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.
100. PROVIDE (1) - 12 AWG COPPER BOND WIRE (100' MIN) AROUND THE POOL AND CONNECT TO THE PUMP MOTOR, HEATER AND THE POOL GATE BORDERS.



POOL DATA	
SURFACE AREA	167 SQ. FT.
WATER VOLUME (GALLONS)	-
TURNOVER (HOURS)	136
PERIMETER (FEET)	95'-4"

HYDROSTATIC UPLIFT CALC	
WATER LEVEL ELEV.	68.43' NGVD 25
POOL DEPTH	4.8'
TOP OF POOL MANDRAN	68.9' NGVD 25
FLOOD CRITERIA	AE 6'
POOL IN FLOOD CRITERIA	3.5'
LESS 2" HYDROSTATIC VALVE	3.3'
HYDROSTATIC UPLIFT	3.3'

DATE: _____
 REVISION DESCRIPTION: _____
 NO.: _____

DESIGN BY: YFP
 DATE: 09/06/2019
 POOL-1

ODJ ARCHITECT, LLC
 CHICAGO, ILLINOIS
 100 N. LAUREL ST., SUITE 200
 CHICAGO, IL 60610
 TEL: (773) 462-1111
 WWW.ODJARCHITECT.COM

A SWIMMING POOL FOR:
 MICHAEL J. MORGAN &
 AS WITH: ALBERT G. COLLETTI, P.E., S.E.
 TEL: (773) 462-1111

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STRUCTURAL NOTES:

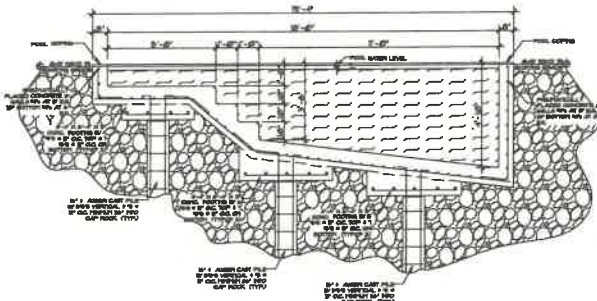
1. CONCRETE, ALL CONC FOR FOUNDATIONS & SLABS ON GRADE SHALL REACH 3600 PSI COMPRESSIVE STRENGTH AT 28 DAYS, AND ALL COLUMN CRICATED CILLS SLABS ABOVE GRADE AND THE DECK SHALL REACH 3600 PSI COMPRESSIVE STRENGTH AT 28 DAYS UNLESS OTHERWISE NOTED.
2. REINFORCEMENT, ALL REEF. STEEL TO BE A473 @ 60 GRADE 40.
3. WOOD, ALL LUMBER SHALL BE # 2 S.P.F. UNLESS OTHERWISE NOTED & WITH A STRENGTH OF 1200 PSI ALL LUMBER IN CONTACT WITH CONC. SHALL BE PRES. TREATED & HAVE A MIN. FIRE RESISTANCE STRENGTH OF 1200 PSI.
4. STEEL, ALL STEEL CONNECTIONS SHALL BE HONOLULU COUNTY APPROVED AS PER F.B.C. FIRE STEEMED STEEL, CAST AGAINST 1" PERK. EXPOSED TO BARTH & 1" EXPOSED TO BARTH OR BARTH 1/2" BARS OR SPALLER & 1/2" BARS OR LUMBER & 1" NOT EXPOSED TO WEATHER OR SECOND CONTACT, (SLAB, WALLS OR JOINT) 1/2" BARS OR SPALLER & 1/2" CLEARANCE BETWEEN BARS OR 1/2" PERK. LONG, CLEAR DISTANCE BETWEEN BARS IN LATER DECK'S MAX. OF ONE BAR DIA. OR 1/2" WALLS MAX. OF ONE BAR DIA. OR 1/2" PERK. LONG, CLEAR DISTANCE BETWEEN BARS IN A LATER DECK, 1" MAX. REBAR BRACES (CLEAR DISTANCE) WALLS & SLABS 1/2" OF 3 TIES THE WALL OR SLAB THICKNESS, OR 1/2" PERK. BRACE THROUGH LUMP LENGTH IS 1/2" SPACES FOR THE REBAR REINFORCEMENT SHALL BE MIN. OF 36" BAR DIAMETER OR 3/4" BRACE-EVER IS GREATER. SPACES FOR COLUMN REINFORCEMENT SHALL BE 48 BAR DIA.

STRUCTURAL LEGEND:

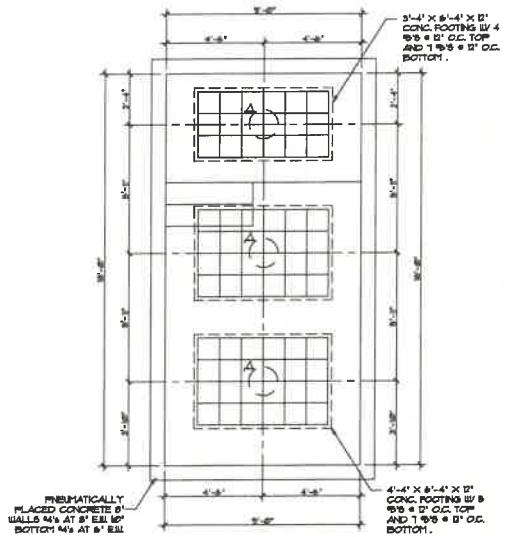
- A- 1/2" 8" ASBEST CAST PILE W/ 8" DIA VERTICAL, 1/2" 4" DIA O.C.
- POOL WALLS - PRECAST PLACED CONCRETE
- 1 BOTTOM SLAB - 8" WALLS 1/2" AT 8" ELL, 8" BOTTOM SLAB W/ 1/2" AT 8" ELL

NOTE:

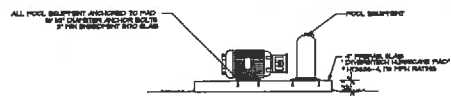
It is the responsibility of the owner-contractor to provide architect w/ a subsurface test report prior to commencement of foundation for architect's approval, to determine if driven piling or auger piles are necessary.



POOL CROSS SECTION
SCALE: 1/2"=1'-0"



POOL FOUNDATION PLAN
SCALE: 1/2"=1'-0"



POOL EQUIPMENT MOUNTING DETAIL
SCALE: N.T.S.

DATE	REVISION

ODJE ARCHITECT, LLC
 455 SOUTH KAUAI AVENUE, SUITE 200
 HONOLULU, HI 96813
 TEL: 808-941-1111
 FAX: 808-941-1112
 WWW.ODJEARCHITECT.COM



A SURVING POOL FOR
MICHAEL J. MORGAN
 455 SOUTH KAUAI AVENUE, SUITE 200
 HONOLULU, HI 96813
 TEL: 808-941-1111
 FAX: 808-941-1112
 WWW.ODJEARCHITECT.COM

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DATE: 07/11/11
 DATE: 07/11/11
POOL-3

**City of Key Colony Beach
Planning & Zoning Board**

Post Hearing Questions

1.) Has the applicant shown good and sufficient cause to grant the variance?

Bob Glassman	Y / N
George Lancaster	Y / N
Lin Walsh	Y / N
Leonard Geronemus	Y / N
Lynne Conkling	Y / N

Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

2.) Will denial of the variance result in unnecessary hardship to the applicant?

George Lancaster	Y / N
Lin Walsh	Y / N
Leonard Geronemus	Y / N
Lynne Conkling	Y / N
Bob Glassman	Y / N

Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

3.) Granting this variance will not result in public expense, a threat to public health & safety and it will not create a threat to or nuisance, or cause fraud or victimization of the public?

Lin Walsh	Y / N
Leonard Geronemus	Y / N
Lynne Conkling	Y / N
Bob Glassman	Y / N
George Lancaster	Y / N

Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

4.) The property has unique or peculiar conditions or circumstances to this property that do not apply to other properties in the same zoning district.

Leonard Geronemus	Y / N
Lynne Conkling	Y / N
Bob Glassman	Y / N
George Lancaster	Y / N
Lin Walsh	Y / N
Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

5.) Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood?

Lynne Conkling	Y / N
Bob Glassman	Y / N
George Lancaster	Y / N
Lin Walsh	Y / N
Leonard Geronemus	Y / N
Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

AFFIDAVIT OF MAILING

STATE OF FLORIDA
COUNTY OF MONROE

Before me, the undersigned authority personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 18 day of August, 2025 (no less than 30 days prior to the Planning & Zoning Public Hearing on October 2nd, 2025, and the City Commission Public Hearing on October 16th, 2025) I mailed the Notice of Hearing by first class U.S. mail to the address on file with the Monroe County Property Appraiser's Office for all property owners within 300 feet of the property at 1250 Coury Drive, Key Colony Beach, Florida, 33051.

Cheryl Baker

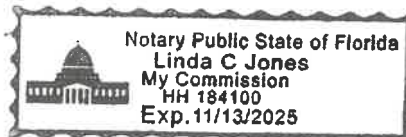
Signature

Sworn and subscribed before me this
18th day of August, 2025.

Linda C Jones

Notary Public, State of Florida

My commission expires: _____



Personally known

_____ Produced _____ as identification

City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone # 305-289-1212 • Fax# 305-289-1767



To: Property Owners within 300 feet of 1250 Coury Drive
From: The City of Key Colony Beach
Key Colony Beach Planning & Zoning Board **and** the Key Colony Beach City Commission

**NOTICE IS HEREBY GIVEN,
THAT THE CITY OF KEY COLONY BEACH WILL BE HOLDING
PUBLIC HEARINGS ON:**

DATE/TIME:

Planning & Zoning Hearing: Thursday, October 2nd, 2025, 9:30 A.M.
City Commission Public Hearing: Thursday, October 16th, 2025, 9:30 A.M.

LOCATION:

City of Key Colony Beach
City Hall Auditorium 'Marble Hall'
600 W. Ocean Drive, Key Colony Beach, Florida 33051,

To hear an After-the-Fact Variance Request from Capi Group Holdings, LLC, owner of the property located at 1250 Coury Drive, Key Colony Beach, Florida 33051. This meeting will be available via Zoom Meetings. Members of the public who wish to attend virtually may email the City Clerk at cityclerk@keycolonybeach.net or call 305-289-1212, Ext. 2 for further instructions on attending via Zoom Meetings.

The Applicant requests an After-the-Fact Variance from the City of Key Colony Beach Land Development Regulations, Chapter 101, Section 10 (8), for the construction of an approved residential project that has reached its top level as per the permitted plans. A variance is sought for additional height to provide access to the observation deck, which was previously approved as part of the original project design, and the requested height increase is necessary to ensure safe and functional access.

Interested parties may attend the Hearing and be heard with respect to the requested variance. If any person decides to appeal any decision made by the City Commission of the City of Key Colony Beach with respect to any matter considered at the Variance Hearing, that person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you are unable to attend the Hearings on Thursday, October 2nd, 2025, or Thursday, October 16th, 2025, but wish to comment, please direct correspondence to the City Clerk at P.O. Box 510141, Key Colony Beach, FL 33051, or via email at cityclerk@keycolonybeach.net, and your comments will be entered into the record.

Mailed: On or before September 2nd, 2025
City Clerk, City of Key Colony Beach



Parcel ID 00079872-000401
Account# 9105153
Property ID 9105153
Millage Group 50KC
Location 1250 COURY Dr, KEY COLONY BEACH
Address
Legal BLK 1 LT 5 COURY SUBD NO 2 PB7-48 OR1082-2196 OR1120-1671 OR1224-1140 OR1350-1523
Description OR1488-2251 OR1564-129 OR1564-130 OR1580-131 OR1619-1043 OR1700-1248 OR1980-1061
OR3217-0490
(Note: Not to be used on legal documents.)

AFFIDAVIT OF POSTING

STATE OF FLORIDA
COUNTY OF MONROE


Before me, the undersigned authority personally appeared Cheryl Baker, who, having been first duly sworn according to law, deposes and says:

1. I am the Administrative Assistant to the City Clerk for the City of Key Colony Beach.
2. I hereby confirm that on the 17 day of September, 2025 (no less than 14 days prior to the Planning & Zoning Public Hearing on October 2nd, 2025, and the City Commission Public Hearing on October 16th, 2025) I posted the Notice of Hearing for the property located at 1250 Coury Drive, Key Colony Beach, Florida, 33051, at the United States Postal Office and City Hall.

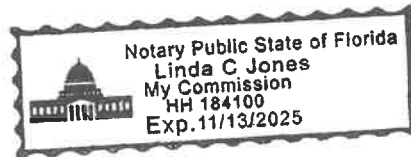


Signature

Sworn and subscribed before me this
17th day of September, 2025.



Notary Public, State of Florida
My commission expires: 11/13/25



Personally known

Produced _____ as identification



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

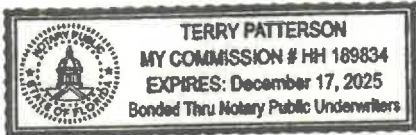
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in **Marathon**, in **Monroe County, Florida**: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

September 18, 2025

Affiant further says that the said **WEEKLY NEWSPAPERS** is a newspaper published at **Marathon**, in said **Monroe County, Florida**, and that the said newspaper has heretofore been continuously published in said **Monroe County, Florida**, once each week (on **Thursday**) and has been qualified as a second class mail matter at the post office in **Marathon**, in **Monroe County, Florida**, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me this 18 day of SEPT, 2025.
(SEAL)


Notary



PUBLIC HEARING NOTICE
NOTICE IS HEREBY GIVEN,
THAT THE CITY OF KEY
COLONY BEACH WILL BE
HOLDING
PUBLIC HEARINGS ON:
DATE/TIME:
Planning & Zoning Hearing:
Thursday, October 2nd, 2025,
9:30 A.M.
City Commission Public
Hearing: Thursday, October
16th, 2025, 9:30 A.M.
LOCATION:
City of Key Colony Beach
City Hall Auditorium Marble
Hall
600 W. Ocean Drive, Key
Colony Beach, Florida 33051.
To hear an After-the-Fact
Variance Request from Capi
Group Holdings, LLC, owner
of the property located at
1250 Coury Drive, Key Colony
Beach, Florida 33051. This
meeting will be available via
Zoom Meetings. Members
of the public who wish to
attend virtually may email
the City Clerk at cityclerk@
keycolonybeach.net or call
305-289-1212, Ext. 2 for further
instructions on attending via
Zoom Meetings.
The Applicant requests
an After-the-Fact Variance
from the City of Key Colony
Beach Land Development
Regulations, Chapter 101,
Section 10.18, for the
construction of an approved
residential project that has
reached its top level as per the
permitted plans. A variance is
sought for additional height
to provide access to the
observation deck, which was
previously approved as part of
the original project design, and
the requested height increase
is necessary to ensure safe and
functional access.
Interested parties may attend
the Hearing and be heard
with respect to the requested
variance.
If any person decides to appeal
any decision made by the City
Commission of the City of Key
Colony Beach with respect
to any matter considered at
the Variance Hearing, that
person will need a record of
the proceedings and for such
purpose may need to ensure
that a verbatim record of the
proceedings is made, which
record includes the testimony
and evidence upon which the
appeal is to be based.
If you are unable to attend
the Hearings on Thursday,
October 2nd, 2025, or
Thursday, October 16th, 2025,
but wish to comment, please
direct correspondence to the
City Clerk at P.O. Box 510141,
Key Colony Beach, FL 33051,
or via email at cityclerk@
keycolonybeach.net, and your
comments will be entered into
the record.
Published: On or before
September 18th, 2025
City Clerk, City of Key Colony
Beach
Publish:
September 18, 2025
The Weekly Newspapers

CITY OF KEY COLONY BEACH
P.O. BOX 510141
KEY COLONY BEACH, FL 33051-0141
305-289-1212 FAX: 305-289-1767

APPLICATION FOR VARIANCE

APPLICANT: Capi Group Holdings, LLC 305 345-0413
Property Owner Name Phone Number
1250 Coury Dr. Key Colony Beach 5 1 Coury 2
Street Address of Variance Lot Block Subdivision
12231 SW 131 Ave Miami, FL 33186
Mailing Address of Property Owner

Owners may have an agent complete this application and represent them at the hearings. In this case, owners must attach to this application a written, signed statement stating the name of the individual or business that may represent them in this matter.

George Perez 305 345-0413
Agent Name Agent Phone Number

VARIANCE REQUESTED to: Land Development Regulations Chapter 101, Section 10 (e)
Code of Ordinances Chapter _____, Section _____

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by _____ feet). Also state if this is for future construction or existing conditions.

Construction of the approved residential project has commenced and has now reached the top level as per the permitted plans. A variance is being requested for additional height to accommodate access to the observation deck. This feature was previously approved as part of the original project design, and the requested height increase is necessary to facilitate safe and functional access.

Please attach the following to this application:

- A sketch or site plan of the property showing the variance requested.
- Written responses to the five criteria (questions attached).
- Fee of \$700.00

Signature of Applicant 

Office Use Only

Date Filed 7-31-2025 Date Paid _____ Check # _____
Variance granted / denied on (date) _____

Signature of City Official

Applicant Questions and Responses-

Summarizing Land Development Code 101-171 (5)(a): Variances shall be approved only if the applicant can demonstrate a good and sufficient cause, that denial would result in unnecessary hardship, it will not be contrary to the public interest, that special conditions exist, and that it will not confer any special privilege on the applicant. Please see the attached pages for the entire city codes relating to Variances.

To assist the Planning & Zoning Committee and City Commission in evaluating this variance request, please answer the following questions:

1. What is the "good and sufficient cause" that explains why this variance should be granted?
The building department approved the plans with the noted heights as submitted.

2. What are the unnecessary hardships that would result if the variance is not granted?
Demolition of concrete and steel work already in place. Re-design and re-engineering of structure including roof trusses currently on site. Unusable windows and doors that have been ordered and paid for. Reduction in property value since the observation deck overlooking Vaca Cut is the main feature of the design.

3. If this variance is granted, would there be any increase to public expense that would not otherwise occur? Would it create a threat to public health and safety? Would it create a nuisance? Or cause fraud or victimization of the public?
It will create non of the above.

4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?
N/A

5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?
No

Office Use Only

Comments and Recommendation of the Building Official

SEE ATTACHED

Applicant Questions and Responses- **LAND DEVELOPMENT REGULATIONS - Section 101-171. Variances.**

(1) **Initiation.** Any owner, agent, lessee or occupant of land or a structure may apply in writing to the city clerk for a variance, on that land, from the requirements of this chapter, except that no request for a use variance will be considered. Details must be included with the request and be filed with the city clerk together with the established fee for a variance. If the applicant is other than the owner of the property, the written consent of the owner for the variance requested must be submitted with the application. When the petitioner is a public agency, the city commission may authorize the waiver or reduction of the fee.

(2) **Planning and zoning committee procedure.**

- (a) Upon receipt of a written request, the city clerk will deliver the request to the planning and zoning committee.
- (b) The planning and zoning committee shall make an investigation of the conditions pertaining to the requested variance in advance of the public hearing by the city commission. This investigation shall be at a duly noticed meeting. Mailing of notice of the meeting shall be made by the city to all property owners within three hundred (300) feet of the boundaries of the property which is the subject of the variance request.
- (c) The planning and zoning committee, shall make their recommendation to the city commission in writing, based upon the standards in (5) below. They may recommend approval or disapproval of the variance or may recommend approval of the same subject to such specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of this chapter. Reasons for the recommendation shall be stated.

(3) **City commission procedure.**

- (a) After receipt of the planning and zoning committee report, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173.
- (b) After their public hearing the city commission may approve or disapprove the requested variance or may approve the same subject to specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of the zoning ordinance. If the applicant desires to present evidence not presented to the planning and zoning committee, the matter shall be returned to the planning and zoning committee for further deliberation and recommendation unless the city commission finds by majority vote that the new evidence is insignificant or unsubstantial.
- (c) The commission shall state reasons for their decision, based on the standards detailed in (5) below.
- (d) The decision of the city commission shall be final. No new request for similar action concerning the same property may be made to the city commission or planning and zoning committee for a period of not less than six (6) months after the date of said decision by the city commission.

(4) **Effective period.**

A building permit application must be submitted within twelve (12) months of variance approval otherwise the approval expires. Any extension of up to twelve (12) months may be granted by the city commission for good cause.

Applicant Questions and Responses-

(5) Standards for granting variances.

(a) Specific criteria:

- (1) The applicant shall demonstrate a showing of good and sufficient cause;**
- (2) Failure to grant the variance would result in unnecessary hardship to the applicant;**
- (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;**
- (4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district;**
- (5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of established development patterns.**

(b) Recommendations to the city commission.

- (1) If all 5 specific criteria are met, then the planning & zoning committee shall recommend approval to the city commission. Approval by the city commission would be by majority vote of the city commission.**

If the planning & zoning committee finds the five (5) specific criteria are not met, they shall recommend disapproval of the variance unless they specifically find that the granting of the variance will have minimal adverse effect on other citizens of the city or on the city. Approval of a variance where all five (5) specific criteria are not met shall require a favorable vote of four-fifths (4/5) of the city commission.

- (2) Conditions: The planning and zoning committee may recommend, and the city commission may prescribe, appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.**
- (3) Use Variance: Under no circumstances shall the city commission grant a variance to permit a use not generally permitted in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.**

GEORGE & ALINA PEREZ
 1250 COURTY DRIVE
 KEY COLONY BCH, FLA.

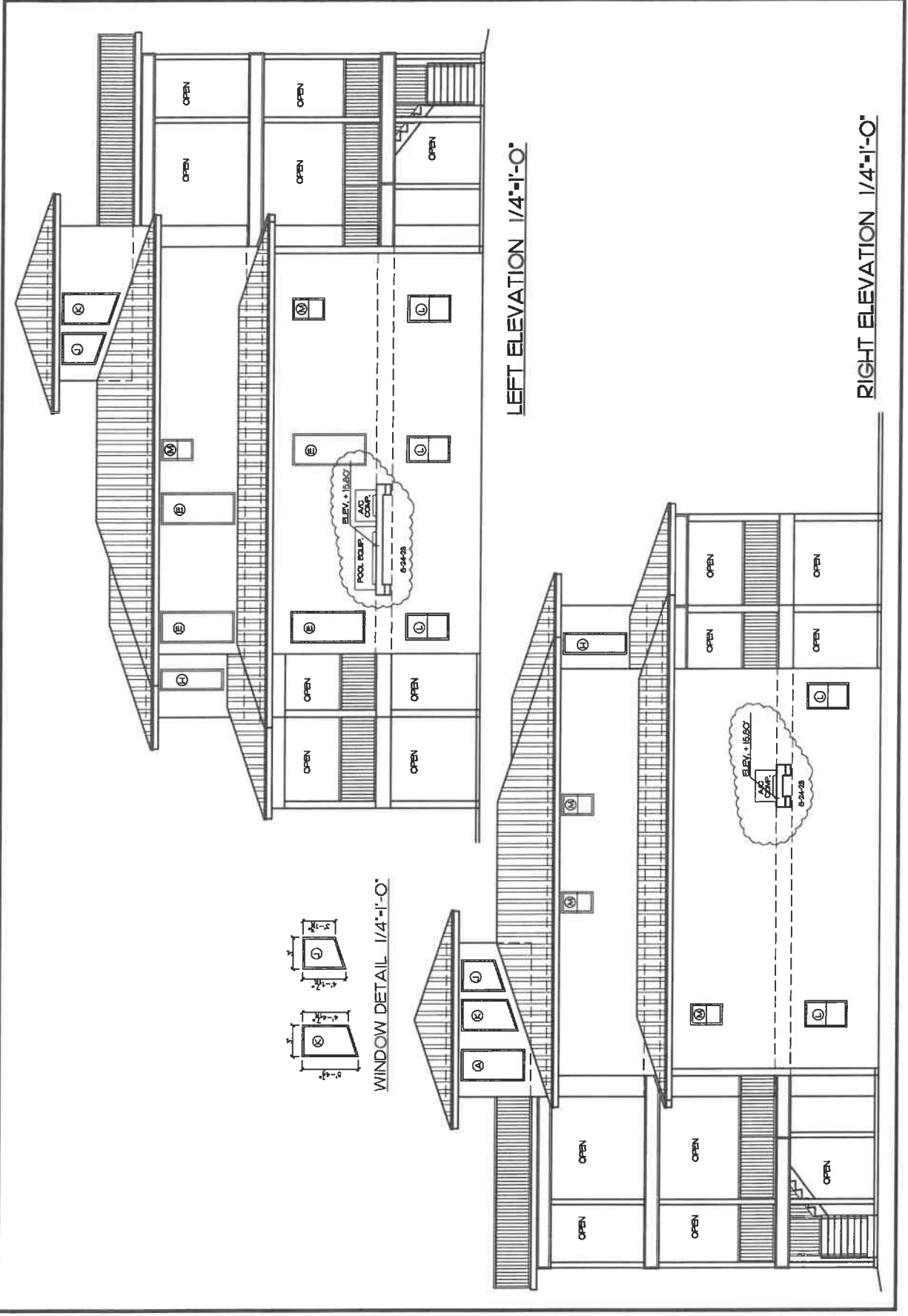
DRAWN BY: RJD
 CHECKED BY: RJD
 DATE: 06/27/23
 SCALE: AS SHOWN
 SHEET NO.: 29102

EL-2
 8 OF 19

DAVID KOPPEL, P.E.
 2775 W. US HWY 1
 SUITE 200
 BOCA RATON, FL 33433
 (561) 991-4225
 FLORIDA REG. CERT. # 40964

REINHOLD BRAND
 ARCHITECTS P.A.
 10000 BAYVIEW BLVD., SUITE 100
 BOCA RATON, FL 33433
 (561) 991-4225
 www.reinholdbrand.com

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT THE SITE BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE DRAWINGS.



City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone= 305-289-1212 • Fax= 305-289-1767



Date: July 30, 2025

RE: Variance Request – 1250 Coury Drive – After the Fact

Recently Mr. Perez came to us for a possible variance request to add additional 1' 1/2" height to his observation deck enclosure to accommodate a change required by the elevator company to allow clearance for top of elevator shaft. When I investigated this request and reviewed the approved plans from 9/23, I noted that the plans were incorrectly approved by our building department. Our LDR's and code dictate maximum height of 40' to be measured from closest crown of road for a base level measurement. Mr. Perez's plans were approved for height from DFE "design flood level" for his district. Basically, he was approved, and the highest point of this new construction will be 5 1/2" above our height requirements. This high point of residence is to accommodate and observation access to roof deck providing elevator and interior stairs. "It is not a livable area in size or designated as a 3rd floor" Mr. Perez worked closely with the previous building department to make sure everything was done correctly and approved to have his plan sent to the state for review. Currently we have 2 homes in key colony that exceed height restrictions that have similar observation and roof access structures that were approved for access observation only. In this case the entire plan that was approved is centered around the observation area and would be a complete revision to existing construction, providing major hardship to owner.

- Key Colony's maximum height is 40' measured from crown of road. Code LDR's 101-10 (8) & 101-8 "Street Grade"
- 1250 Coury Drive is projected to be at 45' 1/2" measured from crown of road. (5' 1/2" over height)
- Florida Statute is 40 feet maximum height for residential construction in VE zones.
- Similar homes in the Coury Subdivision have elevator and observation access areas that were approved for height variance.

While the BFE "Base Flood Level" dictates the minimum finished floor elevation for buildings in flood zones, it doesn't directly define the maximum overall building height. The maximum height is subject to our local zoning regulations and is measured from grade, "Crown of road" not the BFE.

Mayor Foster was instrumental in reviewing my findings and decision for this recommendation.

Sincerely,
Tony Loreno, Building Official

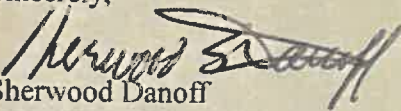
8-1-25

City of Key Colony Beach
600 W Ocean Dr
Key Colony Beach, FL 33051
Re: 1250 Coury Dr Height Variance

Dear Council,

It is my understanding that the above referenced property's building plans were previously approved for the height shown therein. This letter is to inform Council that I have no objection to approving an after-the-fact variance.

Sincerely,


Sherwood Danoff
1230 Coury Dr.
Key Colony Beach
T. 305 804-7184

8-1-25

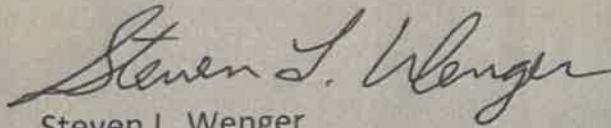
City of Key Colony Beach
600 W Ocean Dr
Key Colony Beach, FL 33051

Re: 1250 Coury Dr Height Variance

Dear Council,

It is my understanding that the above referenced property's building plans were previously approved for the height shown therein. This letter is to inform Council that I have no objection to approving an after-the-fact variance.

Sincerely,



Steven L. Wenger
100 13 Street
Key Colony Beach
T. 419 236-0590

**City of Key Colony Beach
Planning & Zoning Board**

Post Hearing Questions

1.) Has the applicant shown good and sufficient cause to grant the variance?

Bob Glassman	Y / N
George Lancaster	Y / N
Lin Walsh	Y / N
Leonard Geronemus	Y / N
Lynne Conkling	Y / N
Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

2.) Will denial of the variance result in unnecessary hardship to the applicant?

George Lancaster	Y / N
Lin Walsh	Y / N
Leonard Geronemus	Y / N
Lynne Conkling	Y / N
Bob Glassman	Y / N
Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

3.) Granting this variance will not result in public expense, a threat to public health & safety and it will not create a threat to or nuisance, or cause fraud or victimization of the public?

Lin Walsh	Y / N
Leonard Geronemus	Y / N
Lynne Conkling	Y / N
Bob Glassman	Y / N
George Lancaster	Y / N
Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

4.) The property has unique or peculiar conditions or circumstances to this property that do not apply to other properties in the same zoning district.

Leonard Geronemus	Y / N
Lynne Conkling	Y / N
Bob Glassman	Y / N
George Lancaster	Y / N
Lin Walsh	Y / N

Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

5.) Granting this variance would not confer any special privileges in terms of established development in the immediate neighborhood?

Lynne Conkling	Y / N
Bob Glassman	Y / N
George Lancaster	Y / N
Lin Walsh	Y / N
Leonard Geronemus	Y / N

Carman Slusher – Alt	Y / N
Patricia Diebold – Alt	Y / N

Silvia Roussin

From: Tony Loreno <buildingofficial@keycolonybeach.net>
Sent: Tuesday, September 23, 2025 3:00 PM
To: Silvia Roussin
Cc: Samantha Rodamer
Subject: Please add for upcoming P&Z

City of Key Colony Beach

PO Box 510141 Key Colony Beach, Florida • Phone# 305-289-1212 • Fax# 305-289-1767



Proposal to Amend Swimming Pool, Spa, and Hot Tub Setback Regulations

Background:

Under the current Land Development Regulations (LDRs), swimming pool setbacks must comply with Section 101-26(11)(a). Specifically, pools are required to maintain a 10-foot side setback on both canal and dry lots. This regulation has created challenges for homeowners, particularly those with limited lot space, often necessitating a variance request due to hardship or spatial constraints.

Challenges with the Current Regulation:

- Variance requests typically take an average of three months for Planning & Zoning (P&Z) review, followed by final approval from the Commission.
- This process results in additional costs and delays, often extending construction timelines by 3–4 months.
- The burden on homeowners and city staff is significant, especially when engineered plans demonstrate no adverse impact on neighboring properties.

Recent Update and Its Impact:

In recent years, the city amended the regulation to allow a reduced 5-foot side setback for pools within the R2B zoning district, which includes 7th Street and Sadowski Causeway. Since this change, homeowners in R2B no longer require variances, streamlining approvals and accelerating construction.

Proposal:

I propose that Planning & Zoning extend the 5-foot side setback allowance to all zoning districts within our community.

This change would:

- Eliminate the need for most variance requests related to pool setbacks.
- Reduce delays in plan approvals and construction timelines.
- Lower costs for homeowners.
- Align with precedent already set in the R2B district.

Rationale:

A review of the LDRs reveals no compelling reason for the original 10-foot side setback beyond consistency with accessory structures. In practice, variance requests are routinely approved when plans are professionally engineered and pose no impact to adjacent properties. Adopting a uniform 5-foot side setback would reflect the city's evolving needs and support responsible development.



Tony Loreno

Building Official

City of Key Colony Beach

305-289-1212 ext 3

Buildingofficial@keycolonybeach.net

ORDINANCE 2025-502

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES RELATED TO “BOATS, BOAT TRAILERS, MARINE FACILITIES AND WATERWAYS”, ARTICLE III, “MARINE CONSTRUCTION AND IMPROVEMENTS, DOCKING OF BOATS”, DIVISION 3 “DOCKS, PIERS, AND MOORING EQUIPMENT”, SECTION 5-44 RELATED TO CITY COMMISSION APPROVAL CRITERIA; PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, for the maintenance of good relations among neighbors, the City of Key Colony Beach, Florida (the “City”) requires review and approval by the City Commission of certain boat lift installations within the City, and

WHEREAS, the City Commission of the City of Key Colony Beach, Florida (the “City Commission”) desires to amend Section 5-44 of the Code of Ordinances, which sets criteria for which boat lift installations require City Commission approval; and

WHEREAS, the City Commission finds it in the best interest of the City to modify its Code of Ordinances regarding Commission approval for cradle style boat lifts; and

WHEREAS, the City Commission finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, that:

Section 1: Recitals. That the above declarations are true and correct and incorporated herein; and

Section 2: Amendment. Section 5-43 and 5-44 of the Code of Ordinances for the City of Key Colony Beach, Florida is amended as follows:

~~Strikethrough~~ = deletion

Bold underline = addition

Sec. 5-44. - All other boat lifting devices.

The installation of all other boat lifts in the city waterways, including cradle lifts **(but excluding such installations at properties on 7th Street and within Marina Subdivision No. 2)**, shall require approval of the city commission. Hydro or pontoon lifts are prohibited within the city.

Section 3: Severability and Conflict. If any portion of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining portions of this ordinance. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Inclusion in the Code of Ordinances and Land Development Regulations. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances and Land Development Regulations of the City of Key Colony Beach, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the code.

Section 5: Effective Date. This Ordinance shall become effective upon final adoption by the City Commission.

FIRST READING by the City of Key Colony Beach City Commission this ___ day of _____, 2025.

Mayor Freddie Foster	NO _____	YES _____
Vice-Mayor Doug Colonell	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Kirk Diehl	NO _____	YES _____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this ___ day of _____ 2025.

Mayor Freddie Foster	NO _____	YES _____
Vice-Mayor Doug Colonell	NO _____	YES _____
Commissioner Tom Harding	NO _____	YES _____
Commissioner Tom DiFransico	NO _____	YES _____
Commissioner Kirk Diehl	NO _____	YES _____

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE TO FOLLOW]**

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this ___ day of _____, 2025.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

Dirk M. Smits, Esq. B.C.S., City Attorney