### **AGENDA**

### PLANNING & ZONING BOARD REGULAR MEETING & PUBLIC HEARING

Wednesday, December 17<sup>th</sup>, 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. Swearing in of newly appointed Alternate Member Jay (Skip) Helme Pg. 1
- **3. Approval of the Agenda** (Additions, changes, and deletions can be made via one motion and a second to approve by majority vote)
- 4. Citizen Comments & Correspondence
- 5. Approval of Minutes
  - a. Planning & Zoning Board Minutes November 19th, 2025 Pgs. 2-4
- 6. Administration of Oath of Witness
- 7. Disclosure of Ex-Parte Communications Pg. 5
- 8. Discussion/Approval of Promoting Alternate Member Jay (Skip) Helme to full Board Member starting January 2026
- 9. Discussion and Recommendation for Approval of a 40,000-Pound Elevator-Style Boat Lift at 861 12th Street
  - a. Application Pgs. 6-15
  - b. Letters of Approval Pgs. 16-17
- 10. Discussion and Recommendation for a Request for Unity of Title for the Property Located at 9/10 7th Street Pgs. 18-21
- 11. Discussion and Review of Possible Changes to Rear Setback Requirements Pgs. 22-23
- 12. Other Business
- 13. Next meeting: January 21st, 2026, 9:30 AM
- 14. Adjourn

"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.

### 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/83458990778?pwd=4b2sRbz1OITTioJyy5LoXf3kW8b60i.1

Passcode:677928

### Phone one-tap:

+13052241968,,83458990778#,,,,\*677928# US +13126266799,,83458990778#,,,,\*677928# US (Chicago)

### Join via audio:

+1 305 224 1968 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)

+1 309 205 3325 US

+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

+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)

Webinar ID: 834 5899 0778

**Passcode: 677928** 

International numbers available: <a href="https://us02web.zoom.us/u/kt1igDZAa">https://us02web.zoom.us/u/kt1igDZAa</a>



### PLANNING & ZONING BOARD - OATH OF OFFICE

"I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States, and of the State of Florida, against all enemies, domestic and foreign, and that I will bear true faith, loyalty, and allegiance to the same, and that I am entitled to hold office under the Constitution, and that I will faithfully perform all duties as a member of the Planning & Zoning Board of the City of Key Colony Beach on which I am about to enter, so help me God."

Signature:	
Printed Name:	
Date:	

### Sec. 2-1. - Oath of office.

Each city official, whether elective or appointive, shall, before entering upon the discharge of the duties of office, take and subscribe the following oath before a notary public, or any officer authorized to administer oaths in Florida, to wit: "I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States, and of the State of Florida, against all enemies, domestic and foreign, and that I will bear true faith, loyalty and allegiance to the same, and that I am entitled to hold office under the Constitution, and that I will faithfully perform all the duties of the office of (mayor, city clerk, etc.) of Key Colony Beach on which I am about to enter, so help me God." The oath of office shall be filed with the city clerk and kept and preserved as a part of the records of the city. (Ord. No. 353-2003, 2-13-03)

### MINUTES <u>PLANNING & ZONING BOARD</u> REGULAR MEETING & PUBLIC HEARING

Wednesday, November 19<sup>th</sup>, 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 9:30 AM. Present: Chair George Lancaster, Vice-Chair Lin Walsh, Bob Glassman, Lenny Geronemus, Lynne Conkling. Also present: City Administrator John Bartus, Building Official Tony Loreno, Administrative Assistant Samantha Rodamer, Administrative Assistant Par Darnall, City Clerk Silvia Roussin. Mayor Freddie Foster, Vice-Mayor Doug Colonell.
- 2. Approval of the Agenda (Additions, changes, and deletions can be made via one motion and a second to approve by majority vote)

City Clerk Roussin informed of the following agenda additions:

- Under Item 8b. An updated Comprehensive Plan Edit Guide
- Under Item 8c.: An updated draft of the 5-Year Schedule of Capital Improvements

There were no other additions, and Chair Lancaster asked for a motion to approve.

MOTION: Motion made by Lenny Geronemus. Lynne Conkling seconded the motion.

**DISCUSSION**: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- 3. Citizen Comments & Correspondence: None.
- 4. Approval of Minutes
  - a. Planning & Zoning Board Minutes October 15th, 2025

Chair Lancaster asked for a motion to accept the minutes.

MOTION: Motion made by Vice-Chair Walsh to accept the minutes. Bob Glassman seconded the motion.

**DISCUSSION**: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- 5. Disclosure of Ex-Parte Communication: None.
- 6. Discussion/Recommendation for Approval of Jay Helme as an Alternate Member to the Planning & Zoning Board

Chair Lancaster introduced Skip (Jay) Helme and invited the applicant to comment. Skip Helme expressed his intention to get to know the community better and contribute his time and energy to continue making the city a nice place to live. Skip Helme confirmed that he is a homeowner in the city, that his references are residents, and that he is a full-time resident. There was no further discussion, and Chair Lancaster asked for a motion to approve.

MOTION: Motion made by Bob Glassman to approve. Lynne Conkling seconded the motion.

**DISCUSSION**: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the recommendation to approve will be presented at the next day's City Commission meeting.

Chair Lancaster welcomed Skip Helme to the Board. City Clerk Roussin confirmed that Alternate Carman Slusher offered to step down from his position if Skip Helme's recommendation is approved. Chair Lancaster accepted the resignation.

### 7. Discussion and Recommendations on a Draft Ordinance for Amending Side Setback Requirements for Residential Swimming Pools

Chair Lancaster introduced the agenda item and asked for comments from the Board. Lynne Conkling requested clarification on easements, accessory structures, and setback requirements. Building Official Loreno explained the rules for accessory structures and setback requirements. Lenny Geronemus asked if prior approvals were needed for variance requests of this nature, which Building Official Loreno confirmed were typically approved. Building Official Loreno also mentioned his ability to address any issues if needed. Chair Lancaster recalled previous concerns about following proper procedures and emphasized that the Building Official has final approval authority. City Clerk Roussin confirmed the public's ability to comment on the proposed ordinance change. Building Official Loreno added that the ordinance change would allow residents to save time on pool installations. City Clerk Roussin confirmed there would be two public readings of the ordinance amendment. There was no further discussion, and Chair Lancaster called for a motion to approve.

MOTION: Motion made by Lynne Conkling to approve the first reading of the ordinance to the City Commission.

Vice-Chair Walsh seconded the motion.

**DISCUSSION**: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

### 8. Discussion/Recommendation for Comprehensive Plan Amendments

a. Florida Commerce Report

b. Comprehensive Plan Edits Guide

c. Draft Comprehensive Plan

Chair Lancaster introduced the agenda item and asked City Administrator Bartus to elaborate. City Administrator Bartus discussed the process of the draft amendments, recalled the retirement of the former City Planner, mentioned changes in legislation on comprehensive planning, and noted that the city is still waiting for approval of the watershed management plan. John Bartus reported on the assistance received from the City of Marathon in making adjustments to comply with the ORC report and referred to the plan edits guide for specific changes that were made. Vice-Chair Walsh inquired about changes in the percentages of pervious area requirements. Mayor Foster explained that the city had previously amended this in the ordinance, and the comprehensive plan was updated to align with City ordinances. City Administrator Bartus commented on corrections to the capital improvement plan, corrected timelines for the city's goals, and approved timeline adjustments. Further discussion followed regarding verbiage requirements in the documents and the process for making the necessary updates. Chair Lancaster asked for clarification on verbiage regarding developer requirements on workforce housing, which, after discussion, City Administrator Bartus confirmed he would follow up on. Lynne Conkling commented on the verbiage of best practices and suggested restructuring for clarity. She also provided additional comments on missing verbiage and appendices, which City Administrator Bartus said had been added after the agenda packet was published. Mayor Foster offered additional comments on requirements for workforce increases and on clarifying the wording in the document. Lenny Geronemus asked about documented population changes. City Administrator Bartus commented on the graphs and trends shown in the plan, with discussion following on full-time residents, snowbirds, seasonal populations, and census data.

Chair Lancaster asked for citizen comments. There was none. Chair Lancaster asked for a motion to approve or disapprove. Bob Glassman commented on needed edits. City Clerk Roussin commented on the ability to approve the draft with changes.

MOTION: Motion made by Lynne Conkling to approve the draft comprehensive plan with the discussed changes.

Vice-Chair Walsh seconded the motion.

**DISCUSSION**: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the recommendation will be presented to the City Commission on December 18th for review, with a final and second reading scheduled for January 15th.

- 9. Other Business: Lynne Conkling asked for a follow-up on the foam injection support discussion. Building Official Tony Loreno commented on permit requirements and the information to be available on the website. Mayor Foster suggested that the Board review the rear setback requirements. A discussion followed on the benefits and needs for possible changes to the setbacks, the benefits to residents, and potential code changes for the city. Mayor Foster encouraged the Board to research the topic. Bob Glassman commented on the previous topic of soil remediation for seawalls, noting that residents are often unaware of the need for permits and engineering reports, and asked about the responsibility for obtaining a permit. Building Official Loreno explained permit requirements and engineering signoffs, clarifying that the contractor applies for permits with the homeowner holding overall responsibility.
- 10. Next meeting: December 17th, 2025, 9:30 AM
- 11. Adjourn: The meeting adjourned at 10:23 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).

# REPLACE EXISTING DOCK & INSTAL **40K ELEVATOR LIFT**

861 12TH St, KEY COLONY BEACH



### PROJECT LOCATION

# SITE DATA / PROJECT LOCATION:

861 12TH St, KEY COLONY BEACH SITE ADDRESS:

00079871-003300 PARCEL NO.:

LT 33 AND ADJ RECTANGULAR TR 15X30' COURY SUBDIVISION PB7-13 KEY COLONY OR843-323 OR969-1289 OR1133-181 OR1133-182 OR1179-1122 OR1179-1123 OR3173-0210 OR3289-0977 LEGAL DESC.

MEYER MARATHON LLC OWNER / S.

SINGLE FAMILY RESID (0100) ZONING:

### **DESIGN DATA**

### DESIGN LOADS (MINIMUM):

PROJECT INFORMATION

GENERAL NOTES SITE PLAN

C-02 C-01

C-03 C-04

DOCK FRAMING PLAN

DETAILED SECTION

DRAWING INDEX

DEAD LOAD FOR UPLIFT CALCULATION GUARD RAILS / HANDRAILS

7PSF 200 LBS

### WIND DESIGN SPECIFICATIONS

- BUILDING OCCUPANCY CATEGORY II CONSTRUCTION TYPE OCCUPANCY CLASSIFICATION WIND SPEED
  - a.) ULTIMATE =
- ENCLOSURE CLASSIFICATION WIND EXPOSURE CATEGORY
- INTERNAL PRESSURE COEFFICIENT +/- 0.18 WIND-BORNE DEBRIS AREA

STRUCTURAL LOADS AND DESIGN PRESSURES LISTED IN THESE PLANS ARE ALLOWABLE (ASD) UNLESS NOTED OTHERWISE REFER TO DRAWINGS FOR STRUCTURE HEIGHT AND AREA

REPLACE PRE-EXISTING 101 ± SF LOWER TIMBER DOCK. DUE TO STORM DAMAGE

REMOVE AND REPLACE EXISTING 255 ± SF TIMBER DOCK · INSTALL (16) 12" DIA. TIMBER PILES(@ SAME FOOTPRINT.

SCOPE OF WORK:

NEW CONSTRUCTION



VICINITY MAP **m** | §







SEZ FLORIDA BUILDING CODE. BUILDING, 8th EDTITON
2022 FLORIDA BUILDING CODE. RESIDENTAL, 8th EDTITON
2022 FLORIDA BUILDING CODE, MECHANICAL, 8th EDTITON
2022 FLORIDA BUILDING CODE, FUEL, 688, 8th EDTITON
AMERICAN SOCIETY OF CIVIL ENGINEERS, ASCE 7-22.

DESIGN CODE:

INSTALL 40K ELEVATOR LIFT

REPLACE EXISTING DOCK & INSTALL 40K ELEVATOR LIFT 861 12TH SI, KEY COLONY BEACH PROJECT TITLE: THREE GENTS

12 - 08 - 2025 02 - 20 - 2025 02 - 13 - 2025 03 - 04 - 2025 Cover Sheet Cover Sheet Cover Sheet Cover Sheet Cover Sheet 03 40 90 02

01 05/ **DATE:** 11/21/2024 PROJECT INFORMATION

SHEET CONTENT: SHEET NO.:

REV. DATE

DESCRIPTION

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02

11 - 28 - 2024



### RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 510573, Key Colony Beach, FL 33051 CONTACT: 305-916-1400 EMAIL: into@repidpermitting.com

James Rhyne, PE. No 94214 157 Sapodilla Drive Islamorada, FL 33035

LOCATION: 861 12TH St, KEY COLONY BEACH Parcel ID - 00079871-003300

## **GENERAL NOTES**

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### STRUCTURAL NOTES

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### IND INGINEERING PERMI

### RAPID PERMITS AND ADDRESS: PO Box 510673, Key Colony Beach, FL 33061 CONTACT: 305-916-1400 EMAIL: info@mark-news-market ENGINEERING

James Rhyne, PE. No 94214 157 Sapodila Drive Islamorada, FL 33036

info@rapidpermitting.com

REPLACE EXISTING DOCK & INSTALL 40K ELEVATOR LIFT 861 12TH SI, KEY COLONY BEACH LOCATION: 88112TH St, KEY COLONY BEACH Parcel ID - 00079871-003300

SHEET CONTENT: SHEET NO .: GENERAL NOTES 02 - 13 - 2025 REV. DATE 11 - 21 - 2024 DESCRIPTION General Notes General Notes General Notes 03 ġ 02 01

O **DATE:** 11/21/2024

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### PROJECT TITLE: THREE GENTS

CAST IN PLACE CONCRETE

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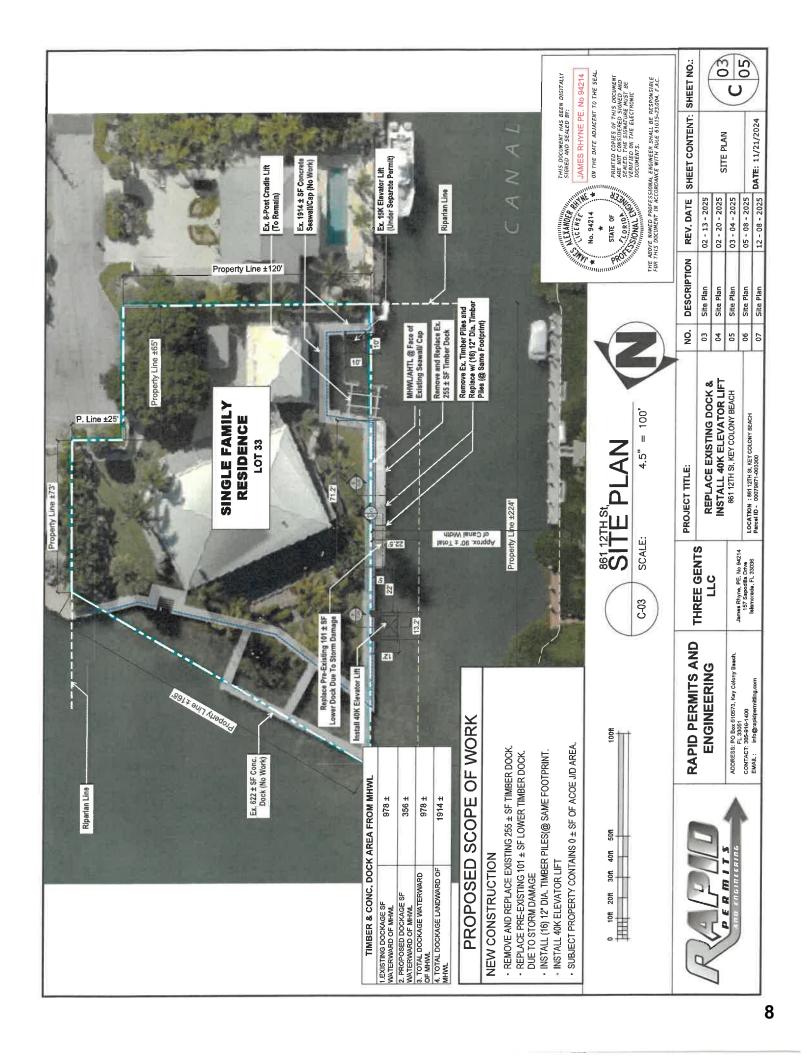
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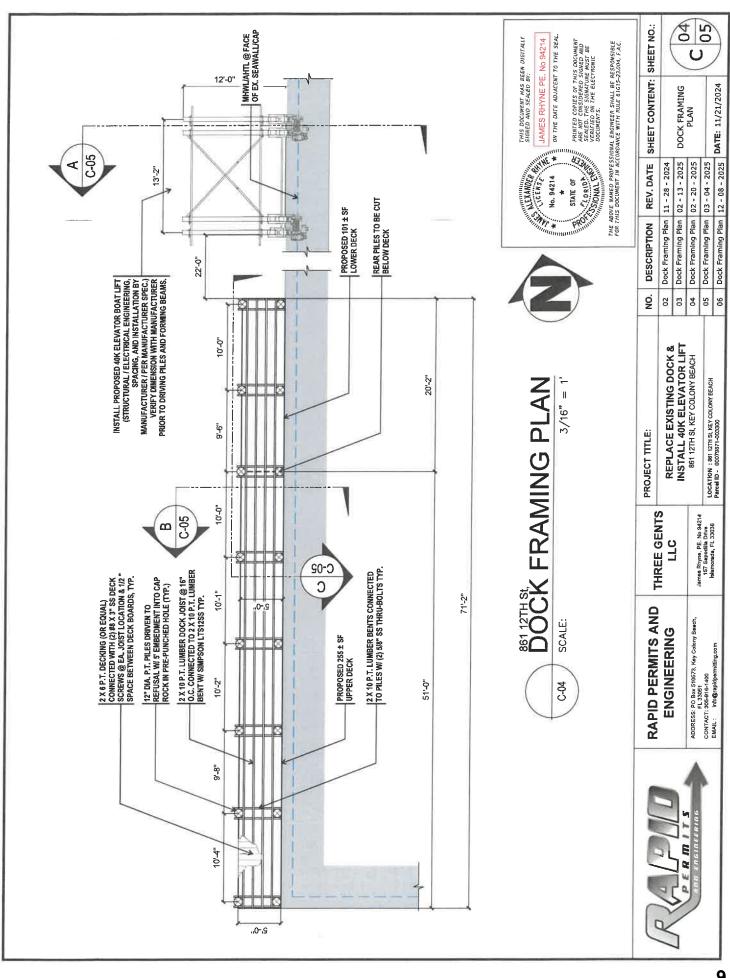
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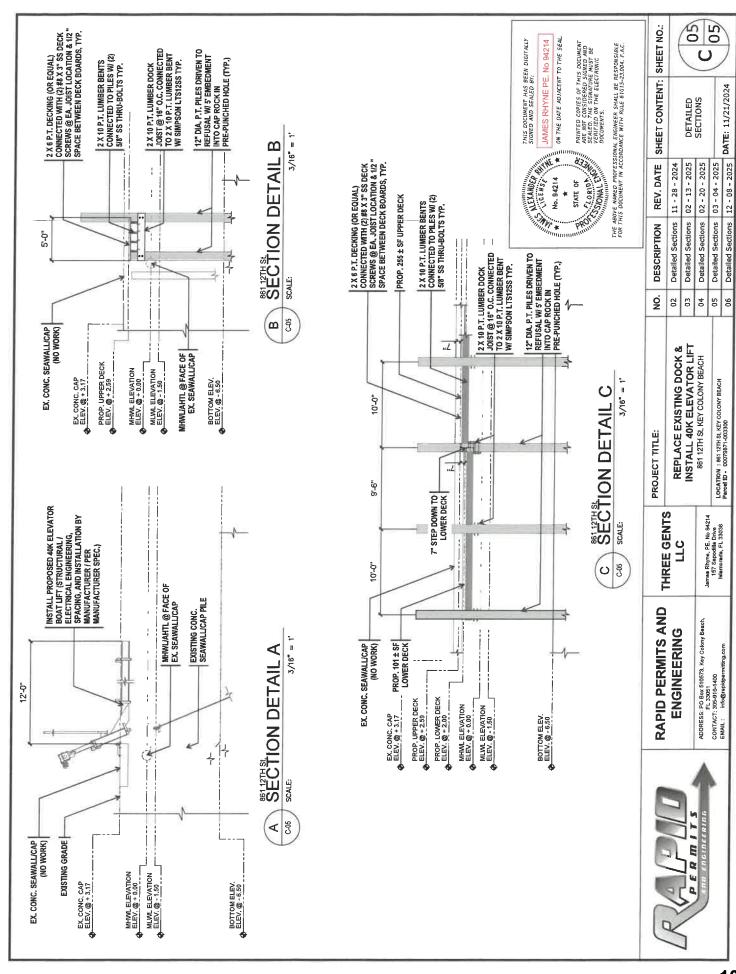
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THE ABOVE NAMED PROFESSIONAL ENCINEER SHALL BE RESPONSIBLE FOR THIS DOCUMENT IN ACCORDANCE WITH RULE 61615-23.004, F.A.C.









### PERMIT PROJECT FILE #: 25-001391 861 12TH ST KEY COLONY BEACH FL 33051

\*\*\*THERE IS AN OPEN CODE VIOLATION FOR THIS PROPERTY\*\*\* INSTALLATION OF A 40K ELEVATOR LIFT, 355 SF DOCK AND **CUSTOMER PROVIDED HI TIDE 15K ELEVATOR** 



Issue Date:

**Expiration Date:** 

	PERMIT #: B25-000446	
<b>_</b>	Permit Type Building Permit	
	Subtype Seawall/Dock	•
	Work Description: Installation of a 40k elevator lift, 355 SF dock and customer provided Hi Tide 15k elevator	
	Applicant Neptune Atlantic Boat Lifts. LLC - Renee Blake Coleman	~
	Status Under Review	~
	Valuation 0.00	
7	FEES & PAYMENTS	
IJ	Plan Check Fees	0.00
	Permit Fees	4,873.88
	Total Amount	4,873.88
	Amount Paid	0.00
	Balance Due	4,873.88
	Non-Billable	,,0,,0,,0
4	PERMIT DATES  Application Date	

Close Date **Last Inspection** Are you the property owner? No **Property Owner Name** Meyer Marathon - Lenny Meyer **Property Owner Address** 861 12th St **Property Owner Phone Number** 941-650-5099 Property Owner Email lennym32@gmail.com **PROJECT INFORMATION** Type of Structure Single Family Intended Use (Specify Residential or Business) Residential Type of Construction (Specify concrete block, frame, etc.) **Cost of Construction** \$135,000.00 Will you be using a Private Provider No click here for private provider packet. **SUBMITTAL REQUIREMENTS** Please upload all supporting documents here Scan\_0030.pdf Meyer Compilation of Plan\_861 12th St\_Signed & Seal Plan Set 12.3.25.pdf 40K ELEVATOR NBL DS pdf Hi Tide plans.pdf LLC Meyer.pdf Florida Product Approval or NOA

Florida Product Approval or NOA search Click this Link

**Upload Installation Instructions** 

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As of 3/1/2024 the new notice of commencement will be required.	
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Building Surcharge Fee					118.88
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				Amount	Paid	0.00	
				Balance	Due	4,873.88	

### Outlook

### 861 12th Street KCB - LONO

From Matthew Knauf <matt@kkgbuild.com>

Date Wed 12/3/2025 4:16 PM

Tony Loreno <a href="mailto:subarra">buildingofficial@keycolonybeach.net></a>; Samantha Rodamer <a href="mailto:subarra">buildingassistant@keycolonybeach.net></a>

Cc Matthew Knauf <matt@kkgbuild.com>; lennym32@gmail.com <lennym32@gmail.com>

1 attachment (4 KB)

Outlook-email Logo;

### **KCB Building Department**

My name is Matt Knauf and I live at 831 12<sup>th</sup> street and i am writing to state that I have no objection to the Meyer's at 861 12<sup>th</sup> street installing a 40K lift, 15K lift and all dock repairs.

Best Regards,

### **Matt Knauf**

5640 Taylor Road, Suite 3

Naples, FL 34109

239-592-9900

www.KKGBUILD.com



PERMISSION FOR BOAT HIFT I HARRY J KNOPP HEAR-BY GRANT MY PERMISSION TO MY NEIGHBOR MR LENNEY MAYER RESIDING DT 86/ 12TH STREET TO INSTALL A 40,000 LB BODT LYFT. BEST REGARDS 724-689-9085 11-4-25

This Instrument Was Prepared By: Anthony J. Barrows, Esq. Wright Barrows PLLC 9711 Overseas Highway Marathon, FL 33050 Telephone: 305-743-8118

File No. 25-598

Note: This document was prepared without examination of title and therefore the preparer expresses no opinion as to condition of title.

### UNITY OF TITLE

WHEREAS, the undersigned, Carl W. Doemel, Trustee of the Carl W. Doemel Revocable Trust dated September 19, 2012, and any amendments thereto, is the fee simple owner (the "Owner") of the Property described as:

The South 20 feet of Lot 6, Key Colony Beach Yacht Club Subdivision, according to the map or plat thereof as recorded in Plat Book 4, Page 68, Public Records of Monroe County, Florida.

Together with a parcel of submerged and unsubmerged lands lying in Section 5, Township 66 South, Range 33 East, Monroe County, Florida and adjacent to the South ½ of Lot 6, Key Colony Beach Yacht Club Subdivision, according to the Plat thereof, recorded in Plat Book 4, Page 68, of the Public Records of Monroe County, Florida; being more particularly described by metes and bounds as follows:

Commencing at the Southwest corner of Lot 6, Key Colony Beach Yacht Club Subdivision as recorded in Plat Book 4, Page 68, of the Public Records of Monroe County, Florida; thence N 77°51'00"E, along the Southerly line of said Lot 6, a distance of 110.00 feet to the Southeast corner of said Lot 6 and the Point of Beginning; thence continue N 77°51'00"E, along the extended lot line of Lot 6, a distance of 100 feet; thence N 12°09'00"W, a distance of 20.00 feet to a point on the extended North line of the South ½ of said lot 6, thence S 77°51'00"W, along said extended line, a distance of 100.00 feet to a point on the Easterly line of said Lot 6; thence S 12°09'00"E, along said Easterly line Lot 6, a distance of 20.00 feet to the Point of Beginning.

a/k/a 9 7th Street, Key Colony Beach, FL 33051

Parcel ID No. 00077820-000000; Acct. No. 1083526

AND

The North ½ of Lot 6, Key Colony Beach Yacht Club Subdivision, according to the map or plat thereof as recorded in Plat Book 4, Page 68, Public Records of Monroe County, Florida.

Together with a parcel of submerged and unsubmerged lands lying in Section 5, Township 66 South, Range 33 East, Monroe County, Florida and adjacent to the North ½ of Lot 6, Key Colony Beach Yacht Club Subdivision, according to the Plat thereof, recorded in Plat Book 4, Page 68, of the Public Records of Monroe County, Florida; being more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of Lot 6, Key Colony Beach Yacht Club Subdivision as recorded in Plat Book 4, Page 68, of the Public Records of Monroe County Florida; thence N 77°51'00" E, along the Northerly line of said Lot 6, a distance of 110.00 feet to the Northeast corner of said Lot 6 and the Point of Beginning; thence continue N 77°51'00"E, along the extended lot line of Lot 6, a distance of 100.00 feet; thence S 12°09'00"E, a distance of 20.00 feet to a point on the extended South line of the North ½ of said Lot 6, thence S 77°51'00"W, along said extended line, a distance of 100.00 feet to a point on the Easterly line of said Lot 6; thence N 12°09'00"W, along said Easterly line of said Lot 6, a distance of 20.00 feet to the Point of Beginning.

a/k/a 10 7th Street, Key Colony Beach, FL 33051

Parcel ID No. 00077810-000000; Acct. No. 1083518

Owner recognizes and acknowledges that for the public health, welfare, safety or morals, the Property should not be divided into separate parcels owned by the owner and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Owner hereby agrees to restrict the use of the subject Property in the following manner:

The Property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land.

Owner further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land and shall be recorded, at Owner's expense, in the Public Records of Monroe County, Florida, and shall remain in full force and effect and be binding upon the Owner, its successors or assigns and upon all mortgages or lessees until such time as the same may be released in Paragraph 4 below.

### **CONDITIONS**

1. City: This Unity of Title is intended to benefit and run in favor of the City of Key Colony Beach, Monroe County, Florida.

- 2. Enforcement: This Unity of Title may be enforced by the City at law or in equity or as a code compliance action against any party or person violating, or attempting to violate, any of the covenants and restrictions contained herein. The remedies available to the City shall include, but are not limited to, obtaining a court order requiring the Owner or its successors or assigns to compel the Property's continuing compliance with the covenants and restrictions contained herein until the City releases this Unity of Title. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, reasonable attorneys' fees and costs as well as attorneys' fees and costs incurred in enforcing this prevailing parties' attorneys' fees provision. This enforcement provision shall be in addition to any other remedies available at law or in equity.
- Authorization for City to Withhold Permits and Inspections. If the terms of this Unity of Title are not being complied with, in addition to any other remedies available at law or in equity, the City is hereby authorized after notice and an opportunity to cure, to withhold any permits regarding the Property or any portion thereof, and to refuse to make any inspections or grant any approvals for the Property or any portion thereof until such time as the Owner or his/her/its successor or assigns are in compliance with the conditions of this Unity of Title. The determination of non-compliance and to withhold permits, inspections, or approvals shall be by the Building Official and shall be subject to the appeal provision of the City's land development regulations.
- 4. Modifications, Amendments and Releases. This Unity of Title may only be modified, amended or released by a written instrument executed by the Building Official or his designee. All modifications, amendments and releases hereto shall be in writing and must be signed by the Owner, or its successors or assigns, and the Building Official or his designee. This document and all amendments hereto shall be recorded in the Public Records of Monroe County, Florida, and shall not be valid until recorded.
- 5. Governing Law. This Unity of Title and the enforcement of the rights and obligations established hereby shall be subject to and governed by the laws of the State of Florida.
- 6. Recordation. The Owner, at its sole expense, shall record this Unity of Title in the Public Records of Monroe County, Florida, within ten (10) working days after approval of the same by the City.

IN WITNESS WHEREOF, the undersign as of this day of, 2025	gned has caused this Unity of Title to be executed
WITNESS OR ATTEST:	OWNER:
Signature of 1st Witness Printed Name: Address:	Carl W. Doemel, Trustee of the Carl W. Doemel Revocable Trust dated September 19, 2012, and any amendments thereto
Signature of 2nd Witness Print Name: Address:	
STATE OF FLORIDA COUNTY OF MONROE	
presence or [] online notarization this Trustee of the Carl W. Doemel Revocable Trus	day of, 2025, Carl W. Doemel, at dated September 19, 2012, and any amendments one or [_] has produced a driver's license as
	Notary Public
[Notary Seal]	Printed Name:
	My Commission Expires:
THIS UNITY OF TITLE IS ACCEPTED THIS DAY OF, 2025 CITY OF KEY COLONY BEACH	
By:Freddie Foster, Mayor	

### Sec. 101-26. Accessory structures and uses.

- (1) Antennas. No satellite antenna larger than 24 inches in diameter may be installed in the front lot or attached to the front of any building.
- Dockside shelters.

Maximum setback from water: 3 feet on canals and minimum 20 feet on Vaca Cut and 100 feet on the ocean.

Minimum side property line setback: 5 feet.

Maximum floor area: 80 square feet with maximum roof overhang of 18 inches.

Maximum height: 8 feet.

Such shelters shall not be located on docks.

(3) Dock boxes and fish-cleaning stations. Dock boxes and fish-cleaning stations shall meet same setback requirements as dockside shelters.

Dock boxes shall be no larger than 3 feet wide by 3 feet high by 6 feet long.

Fish-cleaning stations shall be no larger than 30 inches by 60 inches, with or without an enclosed base.

- (4) Flag poles. May be located within any setback but shall not exceed 30 feet in height.
- (5) Garages and tool sheds. In the R-1 and R-2 districts, all garages, carports, tool sheds (except dock boxes and fish-cleaning stations) and structures determined to be similar in use by the city commission upon the recommendation of the planning and zoning committee must share a common wall or roof element with the principal building.
- (6) Home occupation. See section 101-34.
- (7) Household pets. As defined in article II.
- (8) Lighting, outside. Spot or flood lights installed on any lot or building shall not be directed toward any other residence next to or across the streets or canals where the glare adversely affects inhabitants nearby. Such lighting must be directed downward or be shielded to prevent glare projecting off the property.
- (9) Ocean frontage. In the R-3 district with ocean frontage and in the RH district, no accessory structure is permitted in the side yard.
- (10) Accessory structures within the shoreline setback (including pools). Except for pile supported structures, utility pilings, fences, boat ramps, docks, and walkways limited to 4 feet in width, no new development may occur within 20 feet of mean high water on Vaca Cut, within 100 feet of mean high water (MHW) on the ocean. The total combined area of accessory structures within the shoreline setback may occupy 30 per cent of the principal shoreline setback on Vaca Cut excluding the first 20 feet from MHW, and 60 per cent of the principal shoreline setback along manmade canals including the first 10 feet from MHW except for pools and spas.
- (11) Swimming pools, spas, hot tubs.
  - (a) Setbacks:

10 feet from side and rear lot lines and (MHW) on canals and 10 feet from sides and rear lot lines on dry lots except that a minimum side-yard setback of 5 feet shall be allowed for pools only within the R2B zoning district as provided for in Section 101-13 above.

25 feet from front lot line in all districts;

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15 feet from side lot line in R-3 and RH districts:

100 feet from Ocean (MHW);

20 feet from MHW on Vaca Cut.

- (b) [Pools, spas, and hot tubs:] Above grade pools are not permitted in any district. Prefabricated portable wading pools not over 18 inches in height above grade are permitted. Portable, plug in type spas or hot tubs no larger than 8'0" × 8'0" × 3'0" in height above grade are permitted when in compliance with the following:
  - 1. Setbacks must comply with section 101-26(11)(a).
  - All controls, water heating and water circulating equipment are an integral part of the product and must be cord-connected to GFI outlet (no hard or permanent plumbing or electrical connections are permitted).
  - Must comply with SBCCI Standard Swimming Pool Code 1999 Edition (in particular Section 315, Protective Enclosure).
  - 4. Must comply with City Code Chapter 6, section 6-2.3 which states that structures are designed to be securely anchored so as to withstand hurricane force wind and wave pressure.
  - 5. A building permit must be approved and obtained prior to any installation.
- (c) *Drainage:* Pool drainage shall not be piped to the city sewer system. See article VII. Pools cannot drain onto adjoining property or rights-of-way.
- (d) *Pool enclosures:* Insect screening or other enclosures shall be permitted when the pool and its enclosure are not located within the required setback.

### (12) Tennis courts.

- (a) Tennis courts are permitted in all districts.
- (b) In all districts, the required front, rear and side setbacks for tennis court fences shall conform to the same requirements as specified for buildings in article III.
- (c) In the R-1, R-2 and R-3 districts, a tennis court must be located on the same or adjacent lot as the residential structure.
- (d) Use of the courts is limited to the property owners and their guests in the R-1, R-2 and R-3 districts.
- (e) Lighting is permitted only in R-3, PR and RH districts.
- (f) Lighting must be shielded to prohibit glare on surrounding property. All lights must be turned off after 10:00 p.m.
- (13) Yard adornments. Yard adornments are permitted in any front or rear yard area, but no yard adornment shall be permitted in any side setback. Yard adornments cannot be more than 48 inches high and not more than 9 square feet at the base. No more than 2 yard adornments are permitted in any front or rear yard area of a lot.

(Ord. No. 299-1995, 12-28-95; Ord. No. 316-1998, 8-13-98; Ord. No. 334-2001, 1-11-01; Ord. No. 348-2002, 11-27-02; Ord. No. 2023-483, § 3, 4-20-23; Ord. No. 2023-488, § 3, 10-19-23)

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