

ORDINANCE NO. 2026-508

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING ORDINANCE 2025-497 FUTURE LAND USE POLICY 1.5.1 FOR A SCRIVENOR’S ERROR REGARDING PLAN DENSITIES FOR COMMERCIAL, RESORT, AND PUBLIC BUILDINGS THE INTENSITY SHALL BE AT LEAST 20% OF THE LOT; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for the adoption of Comprehensive Plans and Plan Amendments, and the City of Key Colony Beach adopted its Comprehensive Plan in 1992; and

WHEREAS, the City Commission desires to amend Ordinance 2025-497 for a scrivener’s error in Future Land Use Policy 1.5.1; and

WHEREAS, Florida Statutes require Comprehensive Plans Amendments in areas of critical state concern to be adopted under the State Coordinated Review Process; and

WHEREAS, the City has received and responded to timely comments from certain review agencies which have been granted such authority under Florida Statute 163.3184(3)(b)3; and

WHEREAS, the City Commission held its first public hearing for the Adoption of this Ordinance on February 19th, 2026; and

WHEREAS, the City Commission held its duly advertised second public hearing for the Adoption of this Ordinance on March 19th, 2026.

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

Section 1. The City of Key Colony Beach City Commission hereby adopts Amendments to its Ordinance 2025-497 identified as Exhibit “A” attached, and which are incorporated into the current Comprehensive Plan. A copy of the Comprehensive Plan, as amended, is on file in the office of the City Clerk of Key Colony Beach, Florida.

Section 2. Future Land Use Policy 1.5.1 in the City of Key Colony Beach’s Comprehensive Plan shall now read: (Additions to the ordinance are underlined; deletions are ~~crossed-out~~.)

- Commercial: Normal range of office and community retail uses at an intensity whereby at least 25 ~~20~~ percent of the lot is pervious and the maximum allowable floor area ratio of three (3 FAR).

- Resort: Hotels, restaurants, beach clubs, and dwelling units that have ocean frontage. Development code design standards shall include a 3 story height limit, a prohibition against view obstructions of the ocean in the side yard setbacks and a 100 foot minimum setback from the mean high water level. The intensity shall be at least ~~25~~ 20 percent of the lot in pervious cover and a maximum allowable floor area ratio of three (3 FAR).
- Public Buildings and Grounds: Municipal, State and Federal uses. The intensity shall be at least ~~25~~ 20 percent of the lot in pervious cover and a maximum allowable floor area ratio of two (2 FAR).

Section 3. The City Clerk is hereby directed to transmit the amendments of the current Comprehensive Plan to the State Land Planning Agency, along with copies to the South Florida Regional Planning Council; Florida Department of Environmental Protection; Florida Department of State, Division of Historic Resources; Florida Department of Transportation; South Florida Water Management District; the Monroe County Planning & Environmental Resources Department; and to any unit of local government which has filed a written request for a copy.

Section 4. All ordinances or parts of ordinances in conflict are hereby repealed.

Section 5. In the event any section, subsection, sentence, clause, phrase or word or this Ordinance shall be held invalid by a court of competent jurisdiction, then such invalidity shall not affect the remaining portions.

Section 6. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made part of the City of Key Colony Beach Code of Ordinances, and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 7. The effective date of this plan amendment, if amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency, or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the State Land Planning Agency.

FIRST READING by the City of Key Colony Beach City Commission on this 19th day of February, 2026.

Mayor Freddie Foster	NO _____	YES <u> x </u> _____
Vice-Mayor Doug Colonell	NO _____	YES <u> x </u> _____
Commissioner Tom Harding	NO _____	YES <u> x </u> _____
Commissioner Tom DiFransico	NO _____	YES <u> x </u> _____
Commissioner Kirk Diehl	NO _____	YES <u> x </u> _____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 19th day of March 2026.

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 _____

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 19th day of March 2026.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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