

AGENDA
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, June 17th, 2026 – 3:30 PM

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**
4. **Approval of Minutes:** Planning & Zoning Board Minutes April May 20th, 2026 – **Pgs. 1-3**
5. **Administration of the Oath of Witness**
6. **Disclosure of Ex-Parte Communications - Pg. 4**
7. **Discussion/Recommendation for Approval of the Installation of a 20,000-Pound Elevator-Style Boatlift on a canal with less than 60 feet of navigable waterway at the property located at 230 15th Circle.**
 - a. Engineering Plans – **Pgs. 5-7**
 - b. Letter of Neighbor’s Approvals – **Pgs. 8-10**
 - c. Building Official Recommendation – **Pgs. 11-14**
8. **Variance Request: Discussion and Recommendation for Approval of a Variance Request from Yankiel Valdes, the property owner at 311 4th Street, for a variance from the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26 (13), which limits yard adornments to a maximum height of 48 inches. The existing adornment on the property exceeds this limit by approximately 36 inches.**
 - a. Proof of Legal Publications & Affidavits of Mailing/Posting - **Pgs. 15-19**
 - b. Variance Application - **Pgs. 20-25**
 - c. Applicant Questions & Responses - **Pgs. 21-23**
 - d. Letter of Neighbor’s Support – **Pgs. 26-27**
 - e. Recommendation by the Building Official
 - f. Post-Hearing Questions - **Pgs. 28-29**
 - g. Recommendation to the City Commission
9. Discussion/Recommendation on a Proposed Amendment on Review Committee Procedures for Variances
 - a. Draft Ordinance 2026-513 – **Pgs. 30-34**
10. Discussion/Recommendation on a Proposed Amendment to the Certification and Recertification of Existing and Future Multistory Structures (Milestone Inspections)
 - a. Draft Ordinance 2026-514 – **Pgs. 35-38**
11. Review of a Memorandum by Building Official Loreno on Pool Setbacks in Other Municipalities – **Pg. 39**
12. **Other Business:** Planning & Zoning Board Summer Schedule – **Pg. 40**

Persons who need accommodations to attend or participate in this meeting should contact the City Clerk at 305-289-1212 at least 48 hours before the meeting to request such assistance.

NOTICE: One or more members of the City Commission may be present at this meeting. The presence of Commissioners does not constitute a City Commission meeting, and no official action by the City Commission will be taken.

13. Next meeting: July 15th, 2026, 3:30 PM – At time of publication no established quorum

14. 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/84659435881?pwd=ofOE2Th3p5ZXN5ct4fXspFTy1n6gOc.1>

Passcode:988111

Phone one-tap:

+13052241968,,84659435881#,,,,*988111# US
+19292056099,,84659435881#,,,,*988111# US (New York)

Join via audio:

+1 305 224 1968 US
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 931 3860 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: 846 5943 5881

Passcode: 988111

International numbers available: <https://us02web.zoom.us/j/84659435881?pwd=ofOE2Th3p5ZXN5ct4fXspFTy1n6gOc.1>

MINUTES
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, May 20th, 2026 – 3:30 PM

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 3:30 PM followed by the Pledge of Allegiance and Rollcall. **Present:** Chair George Lancaster, Vice-Chair Lin Walsh, Skip Helme, Leonard Geronemus, Lynne Benton. **Also present:** Vice-Mayor Doug Colonell, Commissioner Tom DiFransico, Building Official Tony Loreno, City Administrator John Bartus, Mayor Freddie Foster, City Attorney Jim Hicks, Administrative Assistant Par Darnall, Building Assistant Samantha Rodamer, City Clerk Silvia Roussin.

Public Attendance: 2

- 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 informed of the following agenda changes:

- A new Item 3: Meeting Protocol Reminders by the City Clerk
- A new Item 4: Memorandum by the Building Official on Research Review & Questions on Liability
- Under other business: Planning & Zoning Summer Meeting Schedule

There were no objections to the additions, and Chair Lancaster asked for a motion to approve the agenda with changes.

MOTION: Motion made by Leonard Geronemus to approve. Skip Helme seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- 3. Meeting Protocol Reminders **Agenda Addition****

City Clerk Roussin reviewed the previous day's correspondence shared with the Board, including procedures for sharing documents, time allocations for adequate review by the Board and applicants, meeting decorum, motions, and the ability to table matters if needed. City Clerk Roussin further detailed the process of making motions, the need for seconds to initiate discussion, the specific discussion item at hand, and possible discussion on it.

- 4. Memorandum by the Building Official on Research Review & Questions on Liability **Agenda Addition****

Building Official Loreno spoke about the previous meeting, noting that several technical questions were presented without adequate time for review. Building Official Loreno asked the Board to present future research ahead of the meeting to allow time for review and response. Building Official Loreno further addressed previous questions regarding liability and risk for the City and clarified that the City incurs no structural or legal liability by granting a setback variance or approving permits under Florida Statutes.

- 3. Citizen Comments & Correspondence**

City Clerk Roussin reported receiving correspondence from the Owners at Castillo Del Sol opposing the proposed Boat Lift at 841 W. Ocan Drive, which is also included in the agenda packet on pages 1 to 3.

There was no citizen comment.

4. Approval of Minutes: Planning & Zoning Board Minutes April 15th, 2026

There were no changes to the minutes, and Chair Lancaster asked for a motion to approve them.

MOTION: Motion made by Lynne Benton to approve. Vice-Chair Walsh 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 all planning on testifying.

6. Disclosure of Ex-Parte Communications: None.

7. Discussion/Recommendation for Approval of a Dissolution of Title for 480/490 9th Street

Chair Lancaster introduced the agenda item and asked Building Official Loreno to elaborate. Building Official Loreno explained that the duplex can be split and that the property already has separate sides with separate water and electric meters. Building Official Loreno explained that the duplex is an upstairs/downstairs building and described ownership and how it will be split, including the land. Discussion followed on the upstairs/downstairs split. Building Official Loreno explained that the current ownership is held by a single owner and that the intention is to split the property to establish the legal rights of individual ownership. Chair Lancaster asked for a motion to approve or disapprove the separation of title.

MOTION: Motion made by Lynne Benton to approve the separation of title. Vice-Chair Walsh seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed for the recommendation to be presented to the City Commission on June 18th, 2026.

8. Discussion/Approval of a Request by Lynne Conkling to Rescind the Variances Approved for 620 and 630 10th Street at the April 15, 2026, Meeting, and Schedule the Matter for Reconsideration at a Duly Advertised Public Hearing, currently proposed for July 15, 2026, subject to the notice and advertising requirements of the City Code and Florida Statutes. (Requires a Motion and Second to Rescind the Previous Action and Rehear the Matter at a Future Meeting Following Required Public Notice.)

a. Letter to the Board

b. Opposition to Variance of 10' Setback from MHWL for Swimming Pools

c. Exhibits

City Attorney Jim Hicks discussed Florida case law on whether an advisory board may rescind a prior decision. He explained that the Board is part of the overall process and that the matter would still need to be presented to the City Commission. He advised against rescinding the prior action without providing due process. He also addressed due process considerations related to granting or denying variances, permitting, and municipal immunity from permitting decisions. City Attorney Hicks further advised that if the Board passed a motion to reconsider, the City Commission could still proceed with the item already on its agenda for the following day. City Attorney Hicks reiterated his advice not to entertain a motion to rescind or vote on rescission without allowing for due process.

Chair Lancaster deferred to Lynne Benton to speak.

Lynne Benton asked about due process and the proper procedure to move forward. City Attorney Hicks advised that a motion to reconsider, rather than rescission, would be appropriate, as rescission would mean taking action without due process.

Chair Lancaster read the requested matter for agenda item 8 into the record.

Lynne Benton raised a point of order and asked about the ability to change the motion to rescind to a motion to reconsider, which City Attorney Hicks confirmed.

MOTION: Motion made by Lynne Benton to reconsider the (prior) approval at the next Planning & Zoning meeting. Chair Lancaster asked for a second. Leonard Geronemus seconded the motion.

DISCUSSION: Lynne Benton spoke about taking her board position seriously and emphasized the importance of confidence in the City's codes, due diligence, transparency, procedure, and preserving the integrity of the process. Vice-Chair Lin Walsh questioned the purpose of Leonard Geronemus's second, and Mr. Geronemus confirmed it was for discussion. Vice-Chair Walsh stated she stood by the Board's prior decision and appreciated the additional research and input. Skip Helme and Leonard Geronemus indicated that their positions had not changed either.

Chair Lancaster allowed the owner of 620 10th Street to speak regarding a reconsideration of the matter.

Ken Jones, 620 10th Street, a resident for 21 years, addressed the Board and requested to be heard on whether to rescind or reconsider the matter. He discussed pool variances in other Florida municipalities, the Board's prior approval supported by a checklist, and the materials reviewed by the Building Official. He expressed dissatisfaction with Lynne Benton's efforts to rescind and now reconsider the Board's prior approval. He noted that the public notice requirements did not result in negative responses, but instead included one supportive response, and stated that requiring notice again would be unnecessary and unfair. Ken Jones also discussed the variance application, provided details on the size of his lot and the current seawall construction, stated his view that the variance was minor, and urged the Board to uphold its prior decision and move the matter forward.

The Board had no questions, and Chair Lancaster asked for a rollcall. City Clerk Roussin restated that the Board had a motion on the floor to reconsider the previous decision.

ON THE MOTION: Rollcall vote. Leonard Geronemus – no. Lynne Benton – yes. Skip Helme – no. Lin Walsh – no. George Lancaster – no. The motion failed.

9. Other Business

- a. **Planning & Zoning Summer Meeting Schedule:** The Board discussed its ability to attend meetings during the summer, with City Clerk Roussin advising to reach out to the Board regarding this ability afterward. City Clerk Roussin confirmed the ability to vote via Zoom, provided a physical quorum is present, and that the Chair has discretion over who chairs the meeting if no Chair or Vice-Chair is present.

10. Next meeting: June 17th, 2026, 3:30 PM

11. Adjourn: The meeting adjourned at 16:05 PM.

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).

INSTALL 20K ELEVATOR BOAT LIFT

230 15TH Cir, KEY COLONY BEACH



SITE DATA / PROJECT LOCATION:

SITE ADDRESS: 230 15TH Cir, KEY COLONY BEACH
PARCEL NO.: 00079872-009001
LEGAL DESC.: BLK 3 LOT 7 COURY SUBD NO 2 PB7-48
 OR1081-1709 OR1092-1161 OR1248-557 OR1513-97 OR1590-1186
 OR1598-1865 OR1968-897 OR1969-181 OR3052-1575 OR3103-0463
 OR3248-2308
OWNER / S: 15TH CIR LLC
ZONING: SINGLE FAMILY RESID (0100)

DRAWING INDEX:

- C - 01 PROJECT INFORMATION
- C - 02 SITE PLAN
- C - 03 DETAILED SECTION

SCOPE OF WORK: NEW CONSTRUCTION

- INSTALL 20K ELEVATOR BOAT LIFT.
- SUBJECT PROPERTY CONTAINS 2,400± SF TOTAL OF ACOE
J/D AREA TO BE AVOIDED.

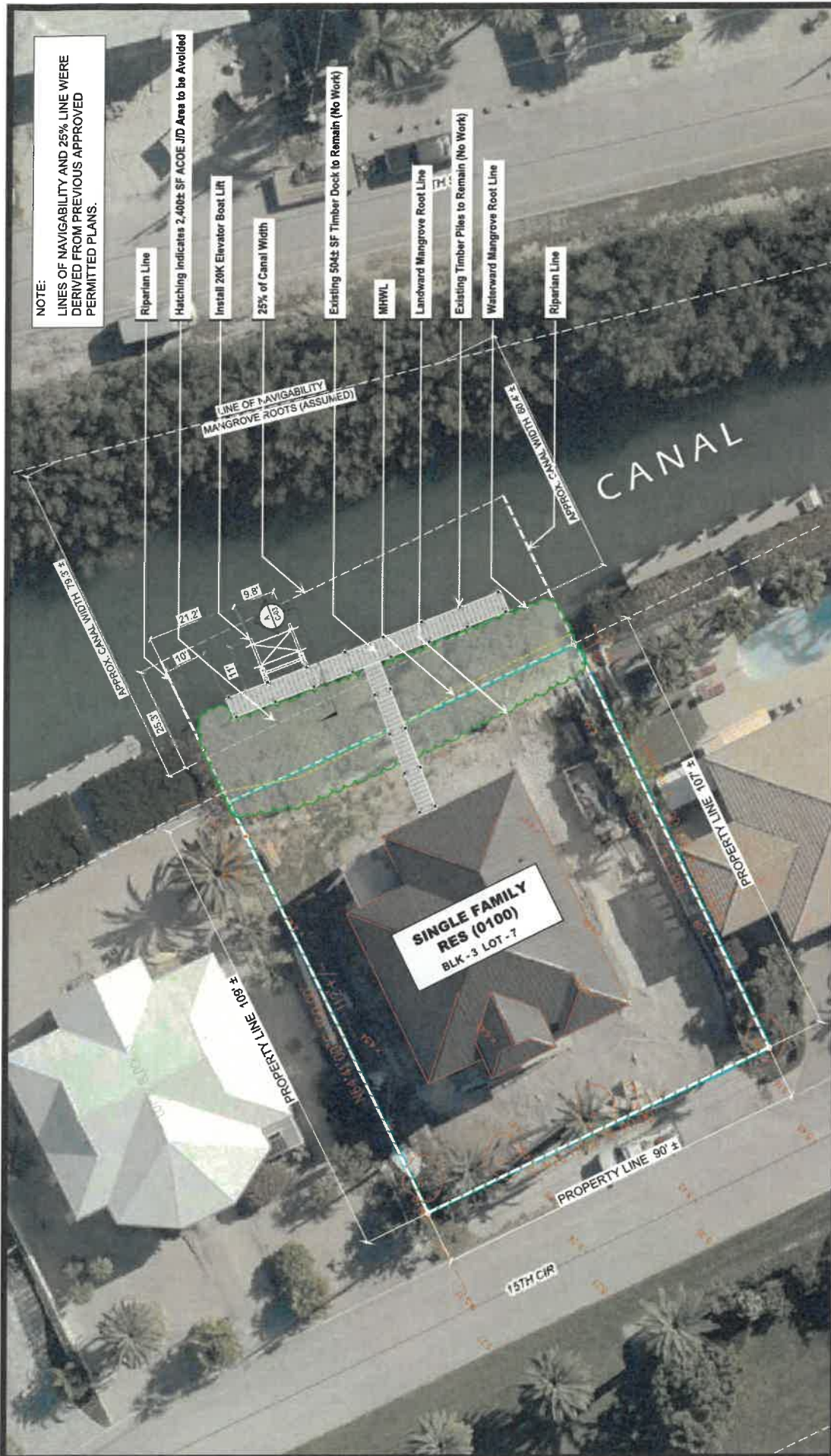


A LOCATION MAP
C-01 SCALE: NTS.



B VICINITY MAP
C-01 SCALE: NTS.

RAPID PERMITS AND ENGINEERING	PROJECT TITLE:	NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
		00	Project Information	05/09/26	PROJECT INFORMATION	
INSTALL 20K ELEVATOR BOAT LIFT 230 15TH Cir, KEY COLONY BEACH						
ADDRESS: PO Box 5 10573, Key Colony Beach, FL 33051 CONTACT: 305-915-1400 EMAIL: info@rapidpermits.com		LOCATION: 230 15TH Cir, KEY COLONY BEACH Parcel ID - 00079872-009001 DATE: 05/08/26				



NOTE:
 LINES OF NAVIGABILITY AND 25% LINE WERE
 DERIVED FROM PREVIOUS APPROVED
 PERMITTED PLANS.

PROPOSED SCOPE OF WORK

NEW CONSTRUCTION

- INSTALL 20K ELEVATOR BOAT LIFT.
- SUBJECT PROPERTY CONTAINS 2,400± SF TOTAL OF ACOE J/D AREA TO BE AVOIDED.

RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 510675, Key Colony Beach, FL 33065
 CONTACT: 305-916-1400
 EMAIL: info@rapidpermitseng.com

RAPID PERMITS AND ENGINEERING

230 15TH CIR, KEY COLONY BEACH
SITE PLAN
 SCALE: 1" = 100'

C-02

0 10ft 20ft 30ft 40ft 50ft 100ft

PROJECT TITLE:
 INSTALL 20K ELEVATOR BOAT LIFT
 230 15TH CIR, KEY COLONY BEACH

NO.: 00

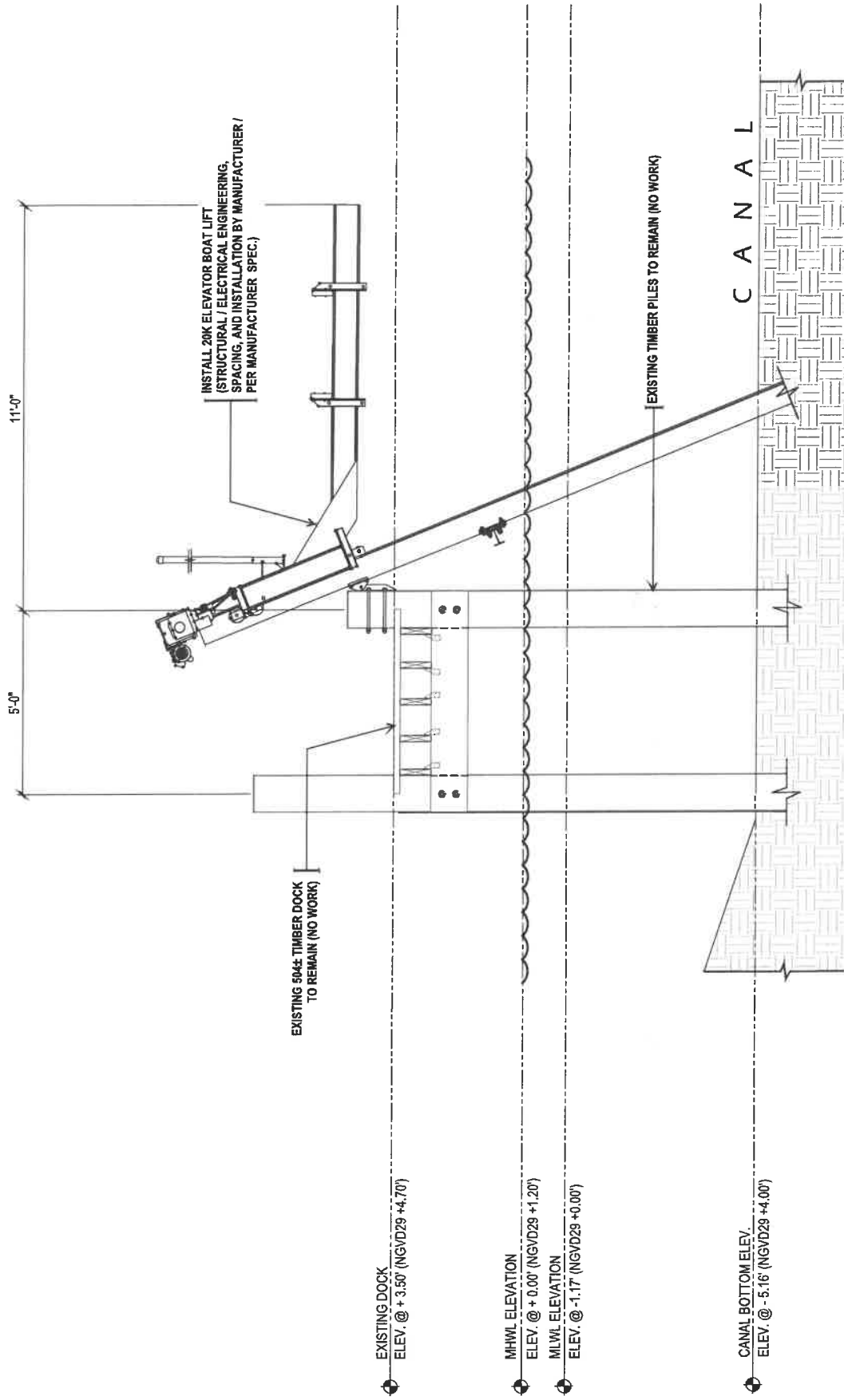
DESCRIPTION: Site Plan

REV. DATE: 05/09/26

SHEET CONTENT: SITE PLAN

SHEET NO.: C 02 / 03

DATE: 05/08/26



230 15TH CIR, KEY COLONY BEACH
SECTION DETAIL A
 SCALE: 1/2" = 1'

A
C-03

CONSTRUCTION NOTES
 CONTRACTOR TO VERIFY ACTUAL DIMENSIONS PRIOR TO CONSTRUCTION.

RAPID PERMITS AND ENGINEERING ADDRESS: PO Box 510573, Key Colony Beach, FL 32965 CONTACT: 305-916-1400 EMAIL: info@rapidpermits.com		PROJECT TITLE: INSTALL 20K ELEVATOR BOAT LIFT 230 15TH CIR, KEY COLONY BEACH LOCATION: 230 15TH CIR, KEY COLONY BEACH Parcel ID: 00079872-00001	NO. 00	DESCRIPTION Detailed Section	REV. DATE 05/09/26	SHEET CONTENT: DETAILED SECTION	SHEET NO.:
		DATE: 05/08/26					

May 16, 2026

Key Colony Beach City Commission

Re: 230 15th Circle Boat Lift

Dear Commissioners:

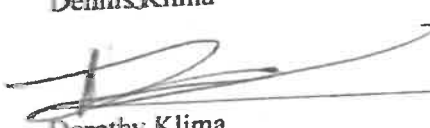
We own the home at 220 15th Circle, right next door to 230 15th Circle, which is owned by 15th Cir. LLC.

We support our neighbor putting a 20,000 lb boat lift on the dock at 230 15th Circle.

Thank you.

Sincerely,


Dennis Klima 5/16/26



Dorothy Klima 5/16/26
220 15th Circle, Key Colony Beach, FL 33051

Fw: 230 15th Circle 20,000 lb. elevator boat lift

From Joseph Suarez <joey@trustpointrealty.com>

Date Mon 5/18/2026 6:01 PM

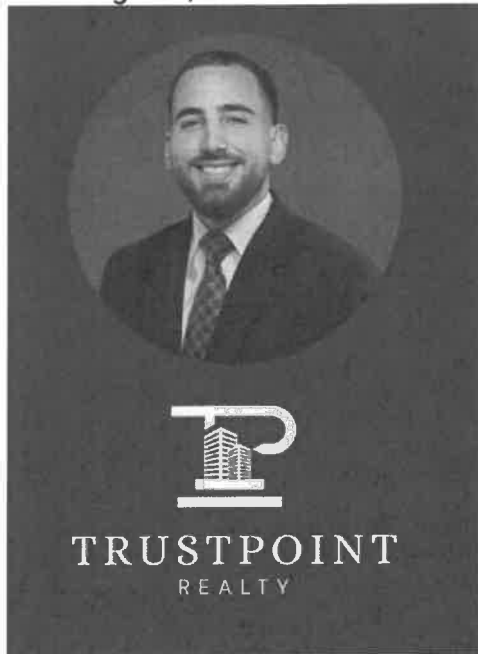
To Samantha Rodamer <buildingassistant@keycolonybeach.net>; Tony Loreno <buildingofficial@keycolonybeach.net>

 1 attachment (11 MB)
220 15th circle letter .pdf;



Good Morning Samantha,

Please see email below from Pam Nada Caley the neighbor at 240 15th circle and please see attached letter signed from 220 15th circle. Thank fully they both reccomend fhe lift installation. Please let us know if you need anything else thank you Samantha.

Best Regards,



JOSEPH SUAREZ, ESQ.
BROKER

 O: (305) 200-0348
 C: (305) 300-2804

 joey@trustpointrealty.com

 15207 NW 60th Ave, Miami Lakes, FL 33014

 www.trustpointrealty.com

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this transmittal, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment and or any attachments if you are not the intended recipient. Do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments. Although this E-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free, and no responsibility is accepted by Trustpoint Realty, LLC. for damage arising in any way from its use.

From: caley@bellsouth.net <caley@bellsouth.net>

Sent: Saturday, May 16, 2026 12:34:30 PM

To: buildingofficial@keycolonybeach.net <buildingofficial@keycolonybeach.net>

Cc: 'Silvia Gransee' <cityclerk@keycolonybeach.net>; Joseph Suarez <Joey@trustpointrealty.com>

Subject: 230 15th Circle 20,000 lb. elevator boat lift

Tony,

The owners of 230 15th Circle are planning to put in a 20,000 lb. boat lift on their dock. As the owner of 240 15th Circle adjacent to their property, I have no objections to the proposed boat lift plans dated 5/9/2026.

Cordially,

Pam

Pam Nada-Caley

Coldwell Banker Global Luxury Specialist since 2004

Broker Associate

CB Schmitt Real Estate Co.

caley@bellsouth.net

305-304-9208

Topic: Memo from the Building Official

RE: Potential boat lift install at 230 15th Circle

Building Official Recommendation to P&Z Variance Request – 230 15th Circle / 15K Elevator Boat Lift

The usable waterway width at this location is approximately 45 feet from the dock edge to the vegetation line. Under Sec. 5-43(8), any waterway with a usable width of less than 60 feet requires City Commission approval for the installation of a boat lift. At 45 feet, this canal is well below the minimum width and cannot be approved administratively.

A 15,000-lb elevator lift for a 28-ft boat with a 9-ft beam would place the vessel approximately 8–9 feet into the canal whether moored at the dock or resting on the lift. Elevator-style lifts also include horizontal arms that protrude up to 12 feet into the waterway. With the lift installed, approximately 33 feet of navigable waterway would remain; if the boat were simply moored at the dock, approximately 36 feet would remain.

Although this is a narrow canal, the opposite shoreline is fully lined with mangroves, not docks or boats. Because there is no development on the opposite side, the navigation risk is lower than it would be in a narrow canal with vessels or structures on both sides. In this circumstance, 33 feet of remaining navigable width is narrow but still navigable.

However, the Coury #2 canal becomes progressively narrower toward the end, which may create future navigation and spacing concerns for other homeowners in those tighter sections who may also request lifts. In my opinion, if approved, this lift should be installed at the widest point of the canal.

Sec. 5-43. Elevator lifts.

Elevator lifts may be installed and used in and adjacent to canals or waterways of the city subject to the following conditions:

- (1) Maximum lifting capacity published by the manufacturer is thirty-one thousand (31,000) pounds. Lifts with capacities greater than thirty-one thousand (31,000) pounds require approval of the city commission.
- (2) Maximum protrusion of the forks into the canal or waterbody is twelve (12) feet. Forks exceeding maximum distances require approval of the city commission.
- (3) Elevator lift forks may remain submerged without a boat on the lift only when a white marine buoy is attached to the end of one (1) of the forks. Reflective devices must be affixed to the ends of the lift forks.
- (4) Side elevator lifts, whether attached directly to a concrete seawall cap or attached to a permitted wooden dock's piling(s) which is attached to a concrete seawall must be certified by a licensed engineer to have a lift capacity equal to or greater than one hundred twenty (120) per cent of the combined weight of the device and the boat (including contents and fuel, etc.) to be lifted.
- (5) Freestanding boat lifts mounted on dock pilings must be certified by a licensed engineer that the lifting capacity of the device is equal to or greater than one hundred twenty (120) per cent of this combined weight of the device (including contents, fuel, etc.) to be lifted.
- (6) When a hurricane watch is declared and when the owner is not available to secure his boat for more than one (1) week, all boats on elevator lifts must be secured to the lift with line or straps that are rated to one hundred twenty (120) per cent of the gross weight of the boat and accessories being lifted (including fuel and water).
- (7) In no event shall the horizontal forks be raised more than the height of the seawall cap or, in the case of attachment to the pilings of a wooden dock, more than two (2) feet above the top of the wooden dock.
- (8) Approval by the city commission must be obtained for the installation of an elevator lift in any waterway in the city where the usable and effective waterway width is less than sixty (60) feet, including the waterway being obstructed by vegetation growth. The width measurement is from seawall to seawall or seawall to mean high waterline where no seawall is in evidence.

In the Coury Subdivision #2 canals, the measurement is the width of the channel defined by the distance between the outer edges of the wooden docks. Where the shoreline is irregular, at the open end of the Coury Subdivision #2 canals and the Coral Lane Canal, thirty (30) feet from the centerline of the canal to the edge of the wooden dock or seawall, as shown on the city platted maps, will be used as the limiting measurement.
- (9) Boats and boat lifts must be contained within the property boundaries and riparian lines. No part of the boat or lift may protrude onto neighboring properties or across riparian lines.
- (10) In cases where approval of the city commission is required, approval shall be based on the following criteria:
 - a. Neighbor consent or lack thereof.
 - b. Visual impact on neighboring properties.
 - c. Hazards to navigation resulting from the proposed installation.



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 12 day of May, 2026 (no less than 30 days prior to the Planning & Zoning Public Hearing on June 17th, 2026, and the City Commission Public Hearing on July 16th, 2026) 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 311 4th Street, Key Colony Beach, Florida, 33051.

Cheryl Baker
Signature

Sworn and subscribed before me this
12th day of May, 2026.

Linda C. Jones
Notary Public, State of Florida
My commission expires: 11/13/29



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 311 4th 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: Wednesday, June 17th, 2026, 3:30 P.M.
City Commission Public Hearing: Thursday, July 16th, 2026, 3:30 P.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 Yankiel Valdes, owner of the property at 311 4th 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 applicants request a variance from the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26 (13), which limits yard adornments to a maximum height of 48 inches. The existing adornment on the property exceeds this limit by approximately 36 inches. All other requirements for yard adornments under Article IV, Sec. 101-26 (13) are being met.

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 Wednesday, June 17th, or Thursday, July 16th, 2026, 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 May 18th, 2026
City Clerk, City of Key Colony Beach



Parcel ID 00073250-000000
Account# 1077330
Property ID 1077330
Millage 50KC
Group
Location 311 4TH St, KEY COLONY BEACH
Address
Legal BK 4 LT 13 KEY COLONY BEACH PB3-120 SHELTER KEY OR116-244 OR441-263 OR596-286 OR1344-
Description 232 OR1496-120 OR2066-1250 OR2066-1251 OR2275-865 OR2653-707 OR2913-1791 OR2921-2343
OR3302-0069 OR3342-1827
(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 26 day of May, 2026 (no less than 14 days prior to the Planning & Zoning Public Hearing on June 17th, 2026, and the City Commission Public Hearing on July 16th, 2026) I posted the Notice of Hearing for the property located at 311 4th Street, Key Colony Beach, Florida, 33051, at the United States Postal Office and City Hall.

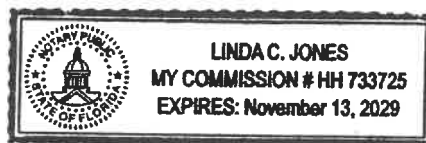


Signature

Sworn and subscribed before me this
26th day of May, 2026.



Notary Public, State of Florida
My commission expires: _____



Personally known
 Produced _____ as identification



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

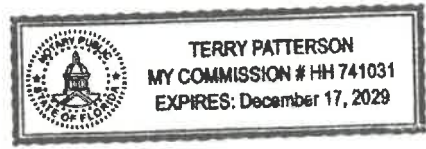
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: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

June 4, 2026

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 4 day of JUN, 2026.
(SEAL)


Notary



NOTICE IS HEREBY GIVEN, THAT THE CITY OF KEY COLONY BEACH WILL BE HOLDING PUBLIC HEARINGS ON:
DATE/TIME:
Planning & Zoning Hearing: Wednesday, June 17th, 2026, 3:30 PM.
City Commission Public Hearing: Thursday, July 16th, 2026, 3:30 PM.
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 Yankiel Valdes, owner of the property at 311 4th 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.
The applicants request a variance from the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26 (13), which limits yard adornments to a maximum height of 48 inches. The existing adornment on the property exceeds this limit by approximately 36 inches. All other requirements for yard adornments under Article IV, Sec. 101-26 (13) are being met.
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 Wednesday, June 17th, or Thursday, July 16th, 2026, 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 June 7th, 2026
City Clerk
City of Key Colony Beach
Publish:
June 4, 2026
The Weekly Newspapers

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 requested variance is justified by unique conditions of the property, specifically the grade and layout of the yard, which limit the effectiveness of an adomment within the 48-inch height restriction. The additional height is necessary for the adomment to be visible and function as intended. The structure is located outside of required setbacks, does not obstruct sightlines, and does not negatively impact neighboring properties or the character of the neighborhood. Granting this variance would not undermine the intent of the ordinance, which is to prevent obtrusive or incompatible structures.~~

2. What are the unnecessary hardships that would result if the variance is not granted?

~~Denial of the requested variance would result in unnecessary hardship, as the adomment has already been permanently installed and is integrated into the property with a fixed base. Removal or modification would require substantial demolition and restoration work, creating a significant financial burden that is disproportionate to the nature of the dimensional variance. Additionally, there are no reasonable alternatives that would allow compliance without defeating the intended purpose and design of the adomment. Reducing the height would compromise its structural and aesthetic integrity, and relocation is not feasible due to site constraints. Importantly, the additional height does not create any adverse impact on neighboring properties, sightlines, or community character. As such, strict enforcement in this case would impose hardship.~~

3. If this variance is granted, would there be any increase in 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?

~~Granting the requested variance will not result in any increase in public expense, as the yard adomment is privately owned, requires no public services, and does not impact public infrastructure. The variance will not create a threat to public health or safety. The adomment is a stationary, decorative structure that is securely installed, does not obstruct visibility for traffic or pedestrians, and does not pose any known hazards. The variance will not create a nuisance. The adomment does not generate noise, light, odor, or other disturbances, and is consistent with the residential character of the neighborhood.~~

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?

~~The property has a landscape island that is located in the center of the property that lends itself for the perfect location for a adomment.~~

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?

~~Granting the requested variance would not confer any special privilege upon the applicant that is denied to other properties in the immediate neighborhood. The variance is a limited deviation from the height requirement for a single decorative yard adomment and does not alter the permitted use of the property or increase its development potential. The request is based on site-specific conditions and practical considerations, and any similar property experiencing comparable circumstances could seek similar relief through the same variance process. As such, approval would not establish an unfair advantage, but rather constitute a reasonable accommodation consistent with the intent of the regulations and the established development pattern of the neighborhood.~~

Office Use Only

Comments and Recommendation of the Building Official

FOLLOWING OUR EXISTING CODE THIS FOLDS UNDER
YARD ADORNMENT NOT TO BE HIGHER THAN 48" HIGH
WE HAVE A FEW HOMES THAT DO HAVE FOUNTAINS AND
ARE OVER 48" THIS ACIR SCULPTURE IS 7 FEET HIGH

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.

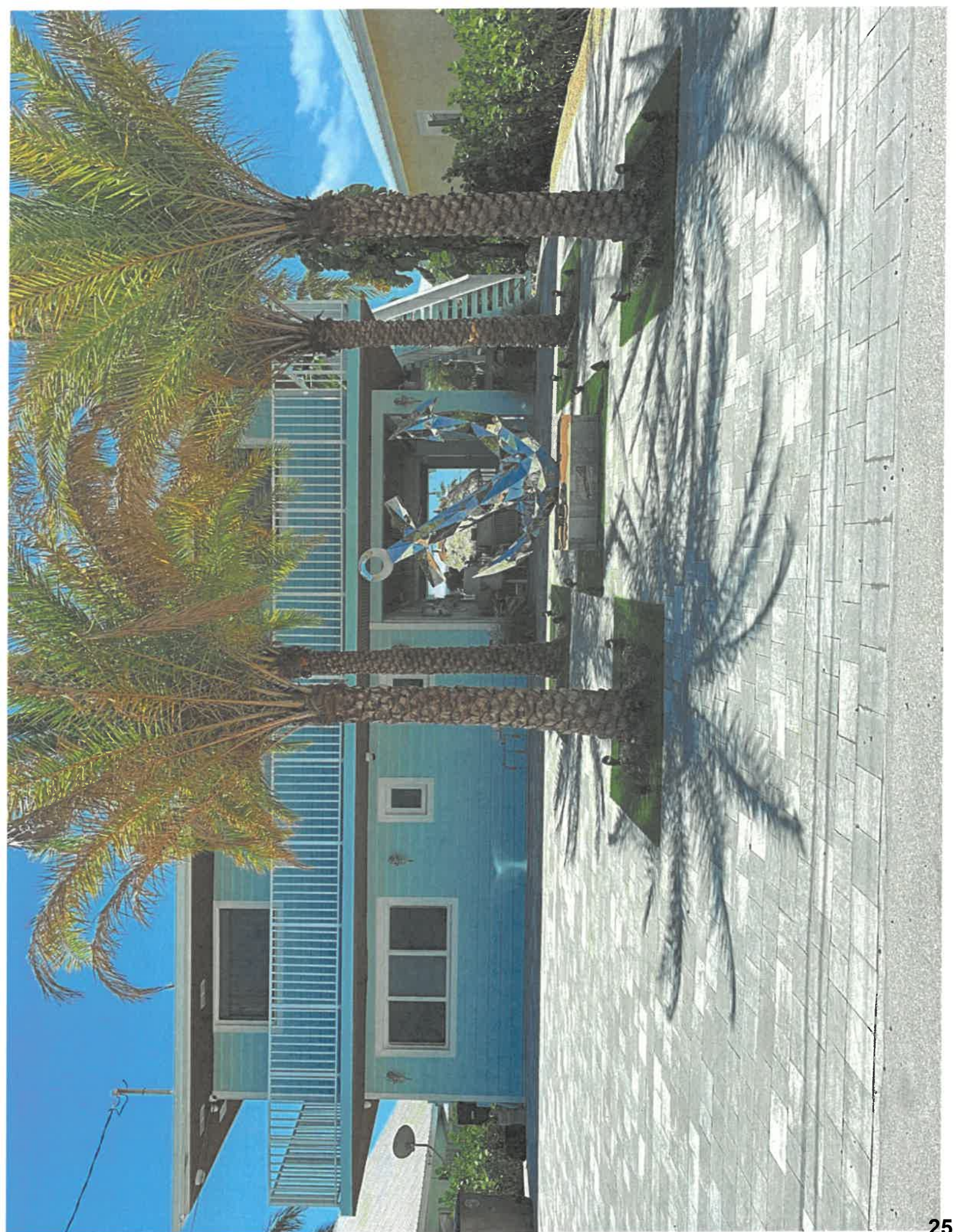
(b) Recommendations to the city commission.

- (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.





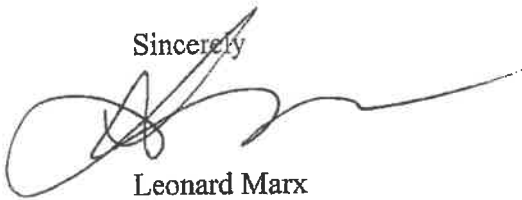
Leonard and Jean Marx
331 4th St.
Key Colony Beach, FL 33051

RE: 311 4th St., Key Colony Beach, FL 33051

To Whom it may concern:

We are the neighbors to the right of 311 4th St. Regarding the Anchor Art Work that is in the front yard, we have absolutely no problem with it what so ever. We do not feel that there is any need to remove it. If you have any questions, do not hesitate to call 386-451-2855. Thank you!

Sincerely

A handwritten signature in black ink, appearing to be 'Leonard Marx', written in a cursive style.

Leonard Marx

A handwritten signature in black ink, appearing to be 'Jean Marx', written in a cursive style.

Jean Marx

Date: 4/30/26

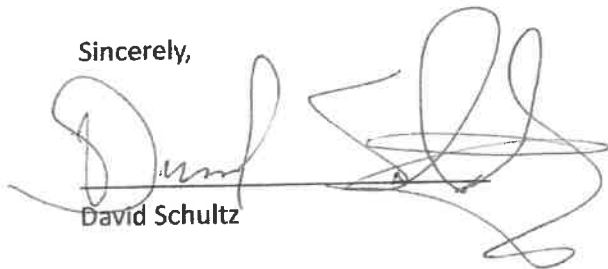
To: City of Key Colony Beach

From: Dave and Norma Schultz
291 4th Street
Key Colony Beach, FL 33051
(612) 282-8454

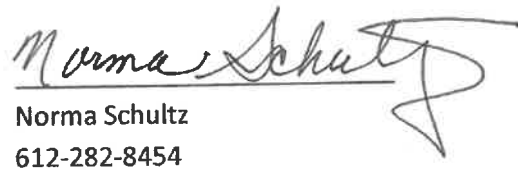
Re: 311 4th Street, Key Colony Beach, FL 33051

We live at the property directly South of 311 4th Street. We are writing to let you know that the Anchor Art Piece placed in the driveway is a beautiful addition to the home and we see no reason for it to be removed. We would be happy to discuss any of your concerns, so please call us if you'd like.

Sincerely,



David Schultz



Norma Schultz
Norma Schultz
612-282-8454

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

Post Hearing Questions

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

Skip Helme	Y / N
George Lancaster	Y / N
Lin Walsh	Y / N
Leonard Geronemus	Y / N
Lynne Conkling	Y / N
Patricia Diebold – Alt	Y / N
Larry Freels – 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
Skip Helme	Y / N
Patricia Diebold – Alt	Y / N
Larry Freels – 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
Skip Helme	Y / N
George Lancaster	Y / N
Patricia Diebold – Alt	Y / N
Larry Freels – 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
Skip Helme	Y / N
George Lancaster	Y / N
Lin Walsh	Y / N

Patricia Diebold – Alt	Y / N
Larry Freels – 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
Skip Helme	Y / N
George Lancaster	Y / N
Lin Walsh	Y / N
Leonard Geronemus	Y / N

Patricia Diebold – Alt	Y / N
Larry Freels – Alt	Y / N

ORDINANCE NO. 2026-513

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING ARTICLE XII OTHER DEVELOPMENT REVIEW COMMITTEE PROCEDURES SECTION 101-171 VARIANCES; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Committee serves as an advisory body to the City Commission, providing recommendations on community development, land use, and planning matters that help preserve and enhance the character and quality of life in the City; and

WHEREAS, the City Commission of Key Colony Beach has determined that it is necessary to amend Article XII, "Other Development Review Committee Procedures," specifically Section 101-171 of the City's Land Development Regulations, to modify the meeting procedures of the Planning and Zoning Committee; and

WHEREAS, the City of Key Colony Beach recognizes that regular review and refinement of committee structures, duties, and procedures help eliminate redundancies and better align advisory work with the City's strategic planning goals; and

WHEREAS, the City Commission has reviewed the proposed ordinance and determined that its adoption is in the best interests of the public health, safety, and welfare of the residents of Key Colony Beach, Florida.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the ordinance are underlined; deletions are crossed out.)

Section 1: Recitals

The above recitals are true and correct.

Section 2: Amendment

Section 101-171 of Article XII, "Other Development Review Committee Procedures" of the of the Land Development Regulations of the City of Key Colony Beach, Florida shall be amended to read as follows:

Sec. 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.
- (d) If the ~~Board~~ planning and zoning committee is unable to establish a quorum at its regularly scheduled meeting, or within seven (7) days afterward, all matters that were to be considered shall be submitted to the Commission by the City Clerk to be considered at the next regular City Commission meeting, without a recommendation from the ~~Board~~ planning and zoning committee. The City will conduct any required public hearings or quasi-judicial proceedings where required.

(3) *City commission procedure.*

- (a) After receipt of the planning and zoning committee report, or after the planning and zoning committee does not timely consider a request under section 101-171(2)(d) above, 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.
- (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 five (5) specific criteria are met, then the planning and 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 and 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 ($\frac{4}{5}$) 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.

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 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 its final adoption by the City of Key Colony Beach, Florida Commission.

[THIS SPACE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE TO FOLLOW]

FIRST READING by the City of Key Colony Beach City Commission, this 18th day of June 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 _____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 16th day of July 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 16th day of July 2026.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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

ORDINANCE 2026-514

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER SIX OF THE CODE OF ORDINANCES, ENTITLED BUILDINGS; ARTICLE II. DANGEROUS STRUCTURES; AMENDING SECTION 6-37 CERTIFICATION AND RECERTIFICATION OF EXISTING AND FUTURE MULTI-STORY STRUCTURES; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the “City”), is a Florida municipal corporation with such powers and authority as conferred by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City Commission desires to establish local administrative procedures consistent with Section 553.899, Florida Statutes, and other applicable provisions of Florida law governing milestone inspections and structural safety inspections; and

WHEREAS, the City Commission determines that adoption of this ordinance promotes accountability, public confidence, and compliance with state-mandated building safety requirements; and

WHEREAS, the City Commission finds that this ordinance is in the best interests of the health, safety, and welfare of the citizens of the City of Key Colony Beach, Florida.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the ordinance are underlined; deletions are ~~crossed out~~.)

Section 1: Recitals

The above recitals are true and correct.

Section 2: Amending Section 6-37 of the Code of Ordinances

Section 6-37 of the Code of Ordinances for the City of Key Colony Beach, Florida, are hereby amended as follows:

Sec. 6-37. - ~~Certification and r~~Recertification of existing and future multi-story structures.

~~The city commission hereby adopts the regulations for the establishment of a certification and recertification process for existing and future multi-story structures located within the city limits of the City of Key Colony Beach, Florida, as authorized by Florida Law, SB 4d, as adopted in the 2022 Special Legislative Session, and further codified in the Chapter 2022-269, Laws of Florida.~~

- (1) For the purpose of this section, recertification shall be construed to mean the requirement for a specific inspection of existing buildings and structures and furnishing the Building Official with a written report of such inspection as prescribed herein.
 - a. Such inspection shall be for the purpose of determining the general structural condition of the building or structure to the extent reasonably possible of any part, material or assembly of a building or structure which affects the safety of such building or structure and/or which supports any dead or designed live load, and the general condition of its electrical systems pursuant to the Building Code.
 - b. Inspections may only be performed by licensed, qualified professional engineers.
- (2)
 - a. All buildings, regulated by Sec. 553.899, F.S. shall be recertified in the manner described below where such buildings or structures have been in existence for 25/30 years or longer, as determined by the Building Official, who shall at such time issue a Notice of Required Inspection to the building owner.
 - b. Subsequent recertification shall be required at ten (10) years interval.
 - c. In the event a building is determined to be structurally and electrically safe under the conditions set forth herein, and such building or structure is less than twenty-five (25) years of age, recertification shall not be required for a minimum of ten (10) years from that time, or age twenty-five (25), whichever is the longer period of time.
- (3)
 - a. The owner of a building or structure subject to recertification shall furnish, or cause to be furnished, within 90 days of Notice of Required Inspection, a written report to the Building Official, prepared by a Professional Engineer or Architect registered in the State of Florida, certifying that each such building or structure is structurally and electrically safe, or has been made structurally and electrically safe for the specified use for continued occupancy.
 - b. Such written report shall bear the impressed seal and signature of the Responsible Engineer or Architect who has performed the inspection.
 - c. Such Engineer or Architect shall undertake such assignments only where qualified by training and experience in the specific technical field involved in the inspection and report.
 - d. Such report shall indicate the manner and type of inspection forming the basis for the report and description of any matters identified as requiring remedial action.
 - e. There shall be immediate notification to the Building Official upon discovery of any material failure, unsafe condition or threat to the health, welfare or safety of the occupants of the building. Upon receipt of such notification during the recertification process, the Building Official shall have the ability to immediately issue a stop work order for the building and declare the cessation of use of the building.

- f. In the event that repairs, or modifications are found to be necessary resulting from the recertification inspection, the owner shall have a total of one hundred and eighty (180) days from the date of Notice of Required Inspection in which to complete indicated repairs or modifications which shall be executed in conformance with all applicable sections of the Building Code.

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

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances 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 its final adoption by the City of Key Colony Beach, Florida Commission.

FIRST READING by the City of Key Colony Beach City Commission this 18th day of June 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 _____

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 16th day of July 2026

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

DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 16th day of July 2026.

Freddie Foster, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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

City of Key Colony Beach

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



George,

Per your request, here is a brief summary of how several other Florida coastal cities handle pool setbacks on waterfront lots. The intent is simply to show that reduced setbacks for pools, when supported by engineering review, are commonly allowed elsewhere and are not unusual.

Cocoa Beach • Standard waterfront pool setback is 15 feet • Reduced setback allowed with a structural engineer's certification • Minimum distance allowed is 8 feet • Adopted specifically to help small waterfront lots while still protecting seawalls

Fort Lauderdale • Pools are treated as accessory structures • Typical rear/waterfront setback is 5 feet • Reduced setbacks are routinely approved for pools and spas on tight lots

Tampa • Pool setbacks are 5 feet from rear and side property lines • No special seawall setback requirement • Shows that very small setbacks for pools are standard practice in many areas

Gulfport • Pools are accessory uses • Setbacks are 5 feet from rear and side property lines • No additional seawall setback beyond the accessory structure rules

Broward County • Their code focuses on seawall structural integrity rather than fixed pool distances • Reinforces that seawall safety is a technical engineering matter, not just a setback number

Relevance to Key Colony Beach Our process allows a pool to encroach from the standard 10-foot setback, but only when sealed pool plans are provided and a Florida structural engineer inspects the existing seawall and certifies that the reduced setback will not compromise the seawall or neighboring properties. This is very similar to Cocoa Beach's approach and is actually more conservative than the 5-foot setbacks used in Fort Lauderdale, Tampa, and Gulfport.

This also helps address hardship on smaller waterfront lots here in Key Colony Beach, where a strict 10-foot setback can make it difficult to build a reasonably sized pool or maintain safe access around it on numerous very small lots.

Multiple Florida municipalities allow reduced pool setbacks — often in the 5- to 8-foot range — with engineering safeguards. Our policy is consistent with those standards, protects seawall integrity, and still gives homeowners some flexibility on tight lots.

Let me know if you need anything else.

Tony Loreno
Building Official City of Key Colony Beach
305-289-1212 ext. 3
buildingofficial@keycolonybeach.net

Planning & Zoning Board Summer Schedule

6/17/2026	7/15/2026	8/19/2026	9/16/2026
George Lancaster Lin Walsh Leonard Geronemus Lynne Benton Skip Helme Patricia Diabold Larry Freels	George Lancaster Lin Walsh Leonard Geronemus Lynne Benton Skip Helme Patricia Diabold Larry Freels	George Lancaster Lin Walsh Leonard Geronemus Lynne Benton Skip Helme Patricia Diabold Larry Freels	George Lancaster Lin Walsh Leonard Geronemus Lynne Benton Skip Helme Patricia Diabold Larry Freels
In Person X Zoom X	In Person X Zoom X	In Person X Zoom X	In Person X Zoom X