

AGENDA
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, August 19, 2026 – 10:00 AM

At the Temporary Meeting Place for the City of Key Colony Beach at
The Key Colony Inn (Back Patio), 700 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 – Pgs. 1-2**
4. **Approval of Minutes:** Planning & Zoning Board Minutes June 17, 2026 – **Pgs. 3-9**
5. **Administration of the Oath of Witness**
6. **Disclosure of Ex Parte Communications – Pg. 10**
7. **Discussion Items & Recommendations for Approval**
 - a. **Request for a minor site plan amendment for the property located at 400 Sadowski Marina, Restaurant and Shopping Center – Pgs. 11-14**
 - b. **Request for the Installation of a 16,000-pound (4) Post Elevator Boat Lift for the property located at 101 E. Ocean Drive Unit (Slip) B11**
 1. Engineering Plans – **Pgs. 15-19**
 2. FDEP Approval – **Pgs. 20-24**
 3. Permit Application – **Pgs. 25-29**
 4. Letters of Neighbor Approval – **Pgs. 30-32**
 5. Code of Ordinances Sec. 5-41 to 5-44 regarding Boat Lifts – **Pgs. 33-35**
 - c. **Discussion/Recommendation for approval for Code Amendments to the Code of Ordinances, Section 6-3 (2), New Construction Materials, to comply with newly enacted Florida Statutes**
 1. Draft Ordinance 2026-516 – **Pgs. 36-39**
 - d. **Discussion/Recommendation for Approval for Code Amendments to Land Development Regulations, Section 101-26 (11) for Accessory Structures and Uses, regarding Swimming Pools, Spas, and Hot Tubs Setbacks.**
 1. Draft Ordinance 2026-517 – **Pgs. 40-42**
 - e. **Discussion/Recommendation for Approval for the Implementation of a Handbook for the Planning & Zoning Board**
 1. Letter accompanying first draft of P&Z Handbook – **Pgs. 43-44**
 2. Draft Planning & Zoning Board Member Handbook – **Pgs. 45-123**
8. **Other Business**
9. **Next meeting: September 16, 2026**
10. **Adjourn**

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.

This meeting will be held at the temporary meeting place for the City of Key Colony Beach, at the Key Colony Inn – Back Patio, 700 W. Ocean Drive, Key Colony Beach, and via Zoom.

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/84620362337?pwd=TiFhmznYvc9P3cXyQ7ltZHkHEsHp1k.1>

Passcode:947393

Phone one-tap:

+13052241968,,84620362337#,,,,*947393# US

+16469313860,,84620362337#,,,,*947393# US

Join via audio:

+1 305 224 1968 US

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+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)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

Webinar ID: 846 2036 2337

Passcode: 947393

International numbers available: <https://us02web.zoom.us/j/84620362337?pwd=TiFhmznYvc9P3cXyQ7ltZHkHEsHp1k.1>

Robert and Gail Zimmerman
799 West Ocean Drive
Key Colony Beach, Florida 33051

June 19, 2026

City Commissioners of KCB
600 West Ocean Drive
P.O. Box 510141
City of Key Colony Beach, Florida 33051

ATTN: Mr. Freddie Foster, Mayor and Chair

Dear KCB City Commissioners:

Our family is one of the original owners at Castillo del Sol Condominiums. As such, we have been proud members of the Key Colony Beach community for close to forty years. During this time, we have grown to cherish the beauty and affability that defines the culture of this city. Consequently, words cannot begin to describe the disappointment and disillusionment bordering on disgust, that we experienced witnessing the processing that took place relative to City Commissioners decision to approve construction of the 40,000 lb. boat lift by our neighbor at 841 West Ocean Drive.

What we witnessed was a charade. A Commission that downplayed or ignored the concerns of numerous citizens, and bent over backwards to accommodate the wishes of one individual. The explanations given to support this decision were spineless and underwhelming. To say that this was simply a redo of a previously expired approval, ignores the fact that the prior approval was based on information provided to the Army Corps of Engineers for a smaller scale project that did not include an on-site evaluation. It is also arguable whether this evaluation at the time even included provisions for a boat lift.

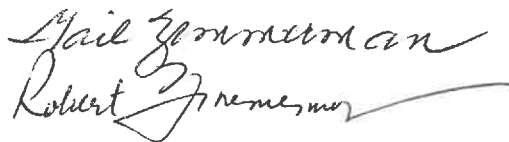
A second explanation centered around the fact that there was "nothing in the City Codes to prohibit its (boat lift) construction." Well, why is that? Why is it that we do not having zoning

regulations to protect the beauty and integrity of our ocean front beach? Is that not the function of a planning and zoning board and/or our city leaders? Maybe this is something that should be looked at before we lose what little precious beach we have left. At the same time something should be said for those of us who enjoy the ocean front, whether it be for swimming, snorkeling, paddle boarding, or wind surfing. There are legitimate safety concerns here that were downplayed during the meeting. The justification for this was a legal opinion that the City could, or would not be held liable, should this decision to approve result in any damage or personal injury. Thank you, City Commissioners, for your underwhelming regard for our wellbeing.

The third, and final explanation that we could glean for approving this shameless debacle was a fear of litigation. Of all the above, this is perhaps the most defensible excuse for this judgement. But, does this mean that anyone of affluence can get anything they want simply by intimating a potential law suit against the city? If we don't have a legal defense in these situations, I challenge our city leaders to initiate or revise our local ordinances so that the KCB does not need to cave to these threats.

Having said our piece, what's done is done, and we will now live with it. Hopefully, you, our city leaders will accept these criticisms in a constructive light, and that we can all learn from this experience. In so doing, maybe some good may eventually come from these proceedings.

Respectfully,

The block contains two handwritten signatures. The first signature is 'Gail Zimmerman' in a cursive script. The second signature is 'Robert Zimmerman' in a similar cursive script, positioned below the first.

Dr. Robert and Gail Zimmerman

Unit D4, Castillo del Sol Condominiums

Cc: KCB Planning and Zoning Board

MINUTES
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

1. **Call to Order, Pledge of Allegiance & Roll Call:** The Key Colony Beach Planning & Zoning Board was called to order by Chair George Lancaster at 3:30 PM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Chair George Lancaster, Vice-Chair Lin Walsh (via Zoom), Leonard Geronemus, Lynne Conkling (via Zoom), 1st Alternate Larry Freels. **Absent:** Skip Helme. **Also present:** City Attorney Dirk Smits, City Administrator John Bartus, Building Official Tony Loreno, Building Assistant Samantha Rodamer, Administrative Assistant Par Darnall, City Clerk Silvia Roussin.

Chair Lancaster found good cause for Vice-Chair Walsh and Member Lynne Benton to attend via Zoom.

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

Chair Lancaster asked for any agenda additions. Lin Walsh asked for the addition of comments by herself to the Planning & Zoning Board. City Attorney Smits advised that Committee Members be allowed to comment on items on the agenda at the Chair's discretion.

Vice-Chair Walsh commented that the Board is an advisory body and a volunteer position, and that it should make decisions to the best of its ability, in the best interest of the City, and to protect the City's welfare. She emphasized that the Board is not a court of law and that members volunteer for the good of the City. She also noted that complicating the agenda takes away the joy of giving back to the community and that she makes her decisions based on gathered facts and evidence. Lin Walsh commented that legal responsibilities are shifted to the legal counsel the City employs and that City Officials guide board members with their research. Vice-Chair Walsh added that the Board is not there to make laws but to make recommendations to the City Commission. Chair Lancaster thanked Vice-Chair Walsh for her comments.

Chair Lancaster asked for the agenda addition to discuss legal materials received the day before regarding the operation of the Planning and Zoning Board. City Attorney clarified that the addition would fall under new item 13. There were no objections, and Chair Lancaster asked for a motion to approve the agenda as modified.

MOTION: Motion made by Larry Freels to approve. Leonard Geronemus seconded the motion.

DISCUSSION: Lynne Conkling commented on the placement of the additional agenda item to allow for earlier discussion.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments & Correspondence:** None.
4. **Approval of Minutes:** Planning & Zoning Board Minutes May 20th, 2026

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

MOTION: Motion made by Leonard Geronemus to approve. Larry Freels 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 to testify.
6. **Disclosure of Ex-Parte Communications:** None.
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
 - b. Letter of Neighbor's Approvals
 - c. Building Official Recommendation

Chair Lancaster introduced the agenda item and asked Building Official Loreno to elaborate. Building Official Loreno referred to the comments included in his recommendation to the Board and gave details on the canal dimensions. He noted that a prior request for a boatlift at the end of the same canal had been denied due to limited space and asked whether the Board had any questions.

Building Official Loreno explained the dimensions of the available boatlift, extension into the canal, and available space for navigation. The Board discussed a prior denial referenced by the Building Official. Larry Freels commented that the neighbor's approval letter for the boatlift appeared to be from the previous neighboring owner, noting that the property at 220 had recently closed. The Board discussed navigable waterway concerns involving a boat or lift, mangrove trimming on the City-owned lot across the canal, and the property owner's dredging of the canal at the end of the canal, which had been approved by the Army Corps of Engineers. Vice-Chair Walsh recalled prior controversy over opening the canal and noted that it has always been very narrow. Building Official Loreno provided additional comments regarding other dock and boatlift approvals in the canal, followed by additional Board discussion.

Lynne Conkling commented on the City of Marathon's ordinance addressing one-way traffic and general acceptance standards. The Board discussed two-way traffic, Army Corps of Engineers beam-length guidelines, and calculations to evaluate the request. Chair Lancaster commented that the situation was unique and stated that he did not believe it would create a concern. Leonard Geronemus noted that the Building Official's recommendation referenced a 15,000-pound lift, while the application requested a 20,000-pound boat lift. Building Official Loreno explained the difference, stated that it would have no impact, and referenced the applicable beam standard. Vice-Chair Walsh commented on the change of ownership of the adjacent property. Chair Lancaster asked for a motion to approve.

MOTION: Motion made by Leonard Geronemus to approve. Larry Freels seconded the motion.

DISCUSSION: Chair Lancaster clarified that the boatlift request was not a variance. Lynne Conkling suggested establishing criteria and articulating the reasoning for decision-making to help with future discussions. Larry Freels commented that he believed the question of a boatlift may come up again for the neighboring property. Vice-Chair Walsh commented that she would like to see a letter of approval from the neighboring property. Chair Lancaster reminded the Board of its ability to vote the motion up or down, and City Clerk Roussin restated the motion as approval of a boatlift for 230 15th Circle. There was no further discussion.

ON THE MOTION: Lynne Conkling – no. Lin Walsh – no. Leonard Geronemus – no. George Lancaster – no. Larry Freels – no. The motion failed.

Chair Lancaster asked whether further discussion was needed. Lynne Conkling suggested a review of criteria used by the Board in its decision. City Attorney Smits suggested adopting the staff report and the day's comments for presentation to the City Commission. Building Official Loreno suggested that the homeowner obtain approval from the homes on both sides of the property, stated that he could not provide further advice, and commented that the canal is not a high-traffic area and is used only by the few homes located on that canal. City Clerk Roussin reminded the Board that its recommendation would be submitted to the City Commission for a decision and that the property owner would be able to reapply for a permit with appropriate letters of approval, if necessary. There was no further discussion.

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
 - b. Variance Application
 - c. Applicant Questions & Responses
 - d. Letter of Neighbor's Support
 - e. Recommendation by the Building Official

Chair Lancaster introduced the variance request and asked City Clerk Roussin to read the Applicant's Questions and Responses. City Clerk Roussin then read the document into the record.

Chair Lancaster informed the Board of a letter of support from neighboring properties and noted that, in his understanding, the applicant did not know the yard adornment was not permitted and immediately submitted a variance request once he became aware of the issue. Building Official Lorenzo confirmed Chair Lancaster's understanding of the matter and further commented on the size of the structure, code regulations, and other structures not abiding by the city's code regulations.

Lynne Conkling voiced empathy for the applicant's situation and recalled a similar situation with a homeowner having to follow code regulations. Lynne Conkling commented that the Board's responsibilities in a variance hearing are to act as a quasi-judicial board, to look at the law and the facts, and to see if the facts apply to the requirements of the code. Lynne Conkling commented on taking her role seriously and, if a decision is being made to remove the statute, she wants it to be based in the law and not her opinion. Chair Lancaster commented that the Board should be an advisory board, not a quasi-judicial board, and deferred to City Attorney Smits. City Attorney Smits commented that the Board should act in a quasi-judicial function for evaluating the facts and applying the law, and to make a recommendation. City Attorney Smits explained that the answers to the questions are based on staff reports and what is learned in the hearing, and that the Board should be quasi-judicial. Leonard Geronemus asked for clarification on whether all criteria are met in the post-hearing questions. City Clerk Roussin read the pertinent code to the Board, explaining that if the Board finds the five specific criteria are not met, they shall recommend disapproval of the variance unless they specifically find that granting the variance will have a minimal adverse effect on other citizens or on the city, and further stating that if all five specific criteria are not met, it shall require a favorable vote of four-fifths (4/5) of the City Commission. Larry Freels commented that the anchor should have minimal impact on the city's citizens compared to other items like boat trailers, RVs, and cargo trailers, and that this was not a complaint brought before the Board, but by the homeowner himself. Chair Lancaster asked Lynne Conkling to go over the evaluation criteria.

Lynne Conkling presented her research on the criteria and explained that the Florida Courts have found that a variance should not be granted if the alleged hardship was self-created. Lynne Conkling evaluated that the applicant violated the code and created a self-created hardship, which may undermine the integrity of the ordinance, encourage property owners to disregard the application and seek forgiveness later, and reward non-compliance. Lynne Conkling further commented on the unique or particular physical geographical circumstances and her research, noting that the applicant has not shown the necessity of the anchor in the yard. She further commented on special privilege and stated that if the variance is granted, the applicant will have violated the ordinance.

Yankiel Valdez, the applicant, joined the meeting via Zoom.

Yankiel Valdez did not know there was a code, and his intent was only to make his house look better, and he did not violate the city code on purpose.

The applicant's contractor, Ajello Hernandez of Sunshine Construction Group, spoke to the Board and commented that he was unaware of the ordinance regulating certain heights. He stated that the violation was not intentional, that the structure did not create a nuisance or safety issue, and that it improved the appearance of the neighborhood. He asked the Board to consider granting the variance. He acknowledged Lynne Conkling's comments but asked the

Board to grant an exception.

Leonard Geronemus commented on the possibility of lowering the anchor. The contractor stated that the owner would be willing to do so if there was no other way to address the issue. Building Official Loreno confirmed that the ordinance in question applies only to front yards.

f. Post-Hearing Questions

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

George Lancaster	No
Lin Walsh	Yes
Leonard Geronemus	No
Lynne Conkling	No
Larry Freels	No

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

George Lancaster	Yes
Lin Walsh	Yes
Leonard Geronemus	Yes
Lynne Conkling	No
Larry Freels	Yes

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

Lin Walsh	Yes
Leonard Geronemus	Yes
Lynne Conkling	Yes
George Lancaster	Yes
Larry Freels	Yes

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

Leonard Geronemus	No
Lynne Conkling	No
George Lancaster	No
Lin Walsh	Yes
Larry Freels	No

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

Lynne Conkling	No
George Lancaster	No
Lin Walsh	Yes
Leonard Geronemus	No
Larry Freels	No

g. Recommendation to the City Commission

Chair Lancaster asked City Clerk Roussin to read the regulations again regarding circumstances in which the Board does not find that all standards for granting a variance have been met. City Clerk Roussin re-read that if the Planning and Zoning Board finds that not all five specific criteria are met, the Board shall recommend disapproval of the variance unless it specifically finds that granting the variance will have a minimal adverse effect on other citizens of the City or on the City. Approval of a variance where all five specific criteria are not met shall require a favorable vote of four-fifths (4/5) of the City Commission.

Chair Lancaster asked for a motion to approve or disapprove the variance. City Clerk Roussin suggested asking for a motion to approve the requested variance with the specific finding that the variance would have a minimal adverse effect on the citizens of the City or on the City. Chair Lancaster agreed and asked for the motion.

MOTION: Motion made by Larry Freels to approve the variance with a finding of minimal adverse effect on the citizens of the City. Vice-Chair Walsh seconded the motion.

DISCUSSION: Lynne Conkling commented on minimal adverse effects and the importance of citizens understanding the City's rules and knowing what to expect. She further commented that if an ordinance is violated without justification, it can become the norm, and decisions can become subjective. Chair Lancaster stated that he had initially struggled with the questions and recognized that the Board serves at the City Commission's pleasure, which appoints the members and makes the final decision. He commented that the Board should consider items liberally when they seem reasonable and expressed his belief that the City Commission wants the Board to be reasonable. He further stated that he believed the applicant should be given consideration.

Larry Freels stated that approval would have minimal impact on the citizens of the City.

Leonard Geronemus expressed concern about the minimal impact on placement and aesthetics, the potential impact of future variance requests for similar items, and the possible dilution of the ordinance. Chair Lancaster asked whether similar requests had come before the Board over the past decade. City Clerk Roussin stated that she was not aware of any within the past five years, and Chair Lancaster stated that he did not recall any similar requests.

Vice-Chair Walsh noted that she had also struggled with the questions when she joined the Board and expressed appreciation for Chair Lancaster's comments. Lin Walsh added that, in her understanding, a request must receive a yes answer to all questions for approval, and that in the past she had overanalyzed the questions and the process. She stated that she had to trust the process and understand that the decision is ultimately a yes-or-no vote. Lynne Conkling reiterated her concern about setting a precedent for future variances when an applicant does not know the code and proceeds with work, and about decisions becoming subjective based on who is on the Planning and Zoning Board rather than on the code. City Clerk Roussin reminded the Board that the decision pertained only to 311 4th Street.

ON THE MOTION: Leonard Geronemus – no. Lynne Conkling – no. Lin Walsh – yes. George Lancaster – yes. Larry Freels – yes. The motion was approved.

City Clerk Roussin stated that the recommendation had been approved and would be presented to the City Commission on July 16th, 2026.

9. Discussion/Recommendation on a Proposed Amendment on Review Committee Procedures for Variances
a. Draft Ordinance 2026-513

Chair Lancaster introduced the agenda item and asked for a presentation on the matter. Mayor Foster explained that the purpose of the proposed ordinance change was to allow for clearer recommendations to the City Commission. Vice-Chair Walsh commented that the Board should make yes-or-no decisions or table a matter if questions arise. City Clerk Roussin commented that she had mistakenly added the matter to the agenda and that Chair Lancaster had the ability to disregard the item. Mayor Foster commented on the need for discussion and asked that the item remain on the agenda. Mayor Foster further commented on the intent to receive clear recommendations from the Board, the ordinance review process, and the ability to table items as needed to ensure a proper recommendation to the Commission. Lynne Conkling commented that Planning and Zoning Boards regularly impose minor conditions and that the prior recommendation on her motion to approve the matter, based on all requested items, was not appropriate. Lynne Conkling asked that the conditional review be preserved and stated that she did not find any city

in the Florida Keys that does not allow conditions. She explained that conditions are intended to address minor items that may have been overlooked. Lynne Conkling further apologized to Mayor Foster for having made the Commission's job harder. Chair Lancaster noted that the Board had an opportunity to comment and had no objections to the suggested amendments.

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

Chair Lancaster introduced the agenda item. Building Assistant Rodamer advised of one proposed change to Section 3(f) of the ordinance, requesting that the phrase regarding required inspections be removed and replaced with language stating "once the Phase 2 inspection report is received" to align with State statute. City Attorney Smits asked that the wording change be included in the motion. Chair Lancaster asked for a motion to approve the Building Department's recommendation with the wording change in the ordinance.

MOTION: Motion made by Lynne Conkling to approve. Leonard Geronemus seconded the motion.

DISCUSSION: Lynne Conkling asked for clarification on the need for Board review. City Attorney Smits explained that the ordinance pertains to the Surfside tragedy and the resulting legislation requiring recertification of multi-floor structures.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin stated that the recommendation would be presented to the City Commission on July 16th, 2026.

11. Review of a Memorandum by Building Official Loreno on Pool Setbacks in Other Municipalities

Chair Lancaster introduced the agenda item and deferred to Building Official Loreno. Building Official Loreno stated that the memorandum was a follow-up from the previous meeting and confirmed his opinion, as Building Official, that there was no need to change the code and that he agreed with a case-by-case approach with engineering sign-off. Lynne Conkling commented that she had not found similar variances in the Florida Keys and stated her understanding that the Keys are a protective environment with protected waters, while the cities presented were not in the Florida Keys. Chair Lancaster commented on the Board's ability to review the matter for a recommendation. Lynne Conkling provided further comments on legal concerns and stated that she had found a similar case in which Monroe County was sued for failing to meet all criteria. She voiced concern about the City becoming involved in litigation. There was no further discussion.

12. Other Business: Planning & Zoning Board Summer Schedule

Chair Lancaster discussed the summer schedule and stated that the July meeting had been canceled, with the next meeting scheduled for August 19th. Lynne Conkling offered to appear in person if needed. City Clerk Roussin confirmed that she would reach out to Lynne Conkling if a July meeting became necessary. Mayor Foster stated that all meetings would move to The Inn starting in August. Chair Lancaster confirmed that he preferred morning meetings at 10:00 AM.

13. Review of Materials submitted by Lynne Conkling **Agenda Addition**

Chair Lancaster commented on the materials received the day before and asked Lynne Conkling to provide brief comments, with further discussion to take place at the next meeting. Lynne Conkling commented on compiling a handbook to clarify processes and understanding of rules and responsibilities. She further commented on difficulties understanding procedures, which led to a neighbor questioning her integrity and a Commissioner commenting that the process was not proper. Lynne Conkling suggested that the Planning and Zoning Board authorize the creation of a handbook for her to work on so new members can better understand procedures and responsibilities, and she provided additional comments on the benefits of the handbook. City Clerk Roussin asked for time for staff review and suggested bringing the matter back in August for discussion. Chair Lancaster agreed that more time was needed for review and agreed to bring the matter back in August. Lynne Conkling stated that she would bring back a draft

before the August meeting.

13. Next meeting: ~~July 15th, 2026, 3:30 PM~~ Tentatively canceled.

14. Adjourn: The meeting adjourned at 5:01 PM.

Respectfully submitted

Silvia Roussin
City Clerk

DRAFT

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).



Proposed Plan Amendment:

400 Sadowski Marina, Restaurant and Shopping Center.

Requesting approval of a minor site plan amendment consisting solely of the relocation of the enclosed trash enclosure within the development.

The applicant (GARRISON BIGHT MARINA INC) is proposing to relocate the enclosure to a more appropriate location on the site. The enclosure will remain a CBS-walled structure with powder-coated louvered doors designed to screen and conceal the trash area. The proposed relocation provides a more uniform aesthetic for the development and places the refuse area farther from the majority of the building and nearby residences, creating a more sanitary and functional location.

Pursuant to Section 101-167(5) of the City Code, changes to specifications shown on an approved site plan are processed as a site plan amendment through Building Department review, Planning & Zoning recommendation, and City Commission approval. Because this proposed change does not alter the development standards established by the Development Agreement, no amendment to the Development Agreement is required.

The proposed relocation has been reviewed by the Building Department and has been found to maintain compliance with all required parking counts, handicap accessibility requirements, and applicable site development standards. The relocation does not reduce the required number of parking spaces, affect accessible parking or access routes, increase density, or otherwise impact the approved development.

Building Official
Tony Loreno



**A NEW COMMERCIAL DEVELOPMENT AT
400 SADOWSKI CAUSEWAY
KEY COLONY BEACH, FL 33051**

**PROPOSED OVERALL
ARCHITECTURAL SITE PLAN**

NAME: TSN / JB
CHECKED: TSN
TS: 10-21-2001

00-00-00-00	00-00-00-00
00-00-00-00	00-00-00-00
00-00-00-00	00-00-00-00
00-00-00-00	00-00-00-00

AO.1

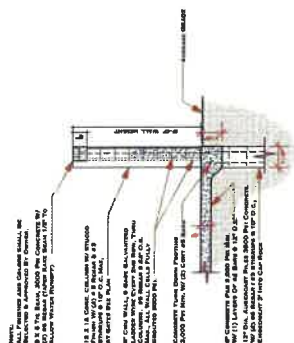
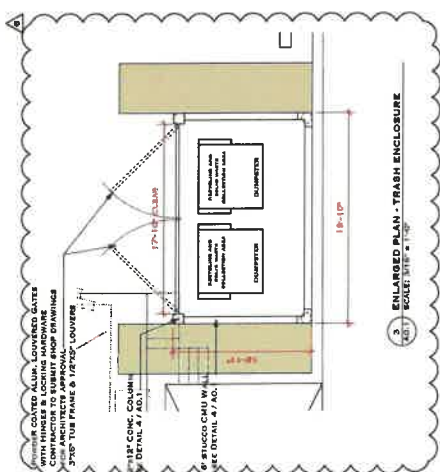
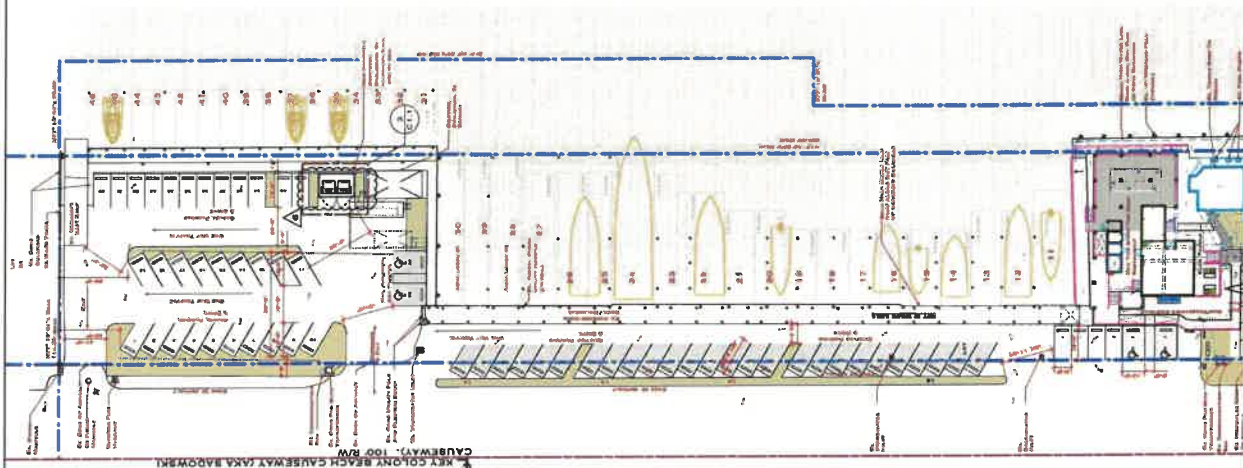
ATSM

SITE DATA			
ITEM	REQ. PER LDR	EXISTING	PROPOSED
DISTRICT	S-1	S-1	S-1
LOT AREA	10,000 SQ. FT. MIN. LOT	76,000 SQ. FT.	EXISTING
UNPAVED AREA		56,000 SQ. FT.	EXISTING
PAVING AREA	19,321 SQ. FT. 50% MIN.	28,172 SQ. FT.	NO VARIANCE
PAVING TYPE	ASPHALT	50% ASP.	ASPH.
LAND COVER	10,000 SQ. FT.	19,321 SQ. FT.	NO VARIANCE
LINEARLY UNPAVED	5,000 SQ. FT. (10' MAX. WIDE)	2,817 SQ. FT.	NO VARIANCE
LIABILITY	43,500 SQ. FT. MIN. (10' MAX. WIDE)	2,817 SQ. FT.	76,000 SQ. FT. AS SHOWN 14 UNITS ALLOWED
Building Height	36'-0" MAX.	13'-0"	27'-0" MAX. NEW RESTAURANT
PARKING SPACE COUNT: 36 SPACES TOTAL: 1 SPACE FOR 3 SEATS = 81 SPACES REQUIRED 45 SPACES TOTAL: 1 SPACE FOR 3 SEATS = 90 SPACES REQUIRED 100 SPACES TOTAL: 1 SPACE FOR 3 SEATS = 180 SPACES REQUIRED 200 SPACES TOTAL: 1 SPACE FOR 3 SEATS = 360 SPACES REQUIRED 400 SPACES TOTAL: 1 SPACE FOR 3 SEATS = 720 SPACES REQUIRED TOTAL PARKING SPACES PROVIDED FOR BOAT SLIPS, COM. BLD. AND RESTAURANT* = 123			

PARKING SPACE COUNT:

53 SEATS TOTAL: 1 SPACE FOR 3 SEATS = 18 SPACES REQUIRED
1 PARKING SPACE FOR 1 BOAT SLIP = 46 SPACES REQUIRED
EXISTING SPACES AT RETAIL BUILDING= 20 EXISTING SPACES

PER 200.2 ACCESSIBILITY CODE 117 PARKING SPOTS = 3 ADA SPACES REQUIRED
TOTAL PARKING SPACES PROVIDED FOR BOAT SLIPS, COMM. BLD. AND RESTAURANT= 123



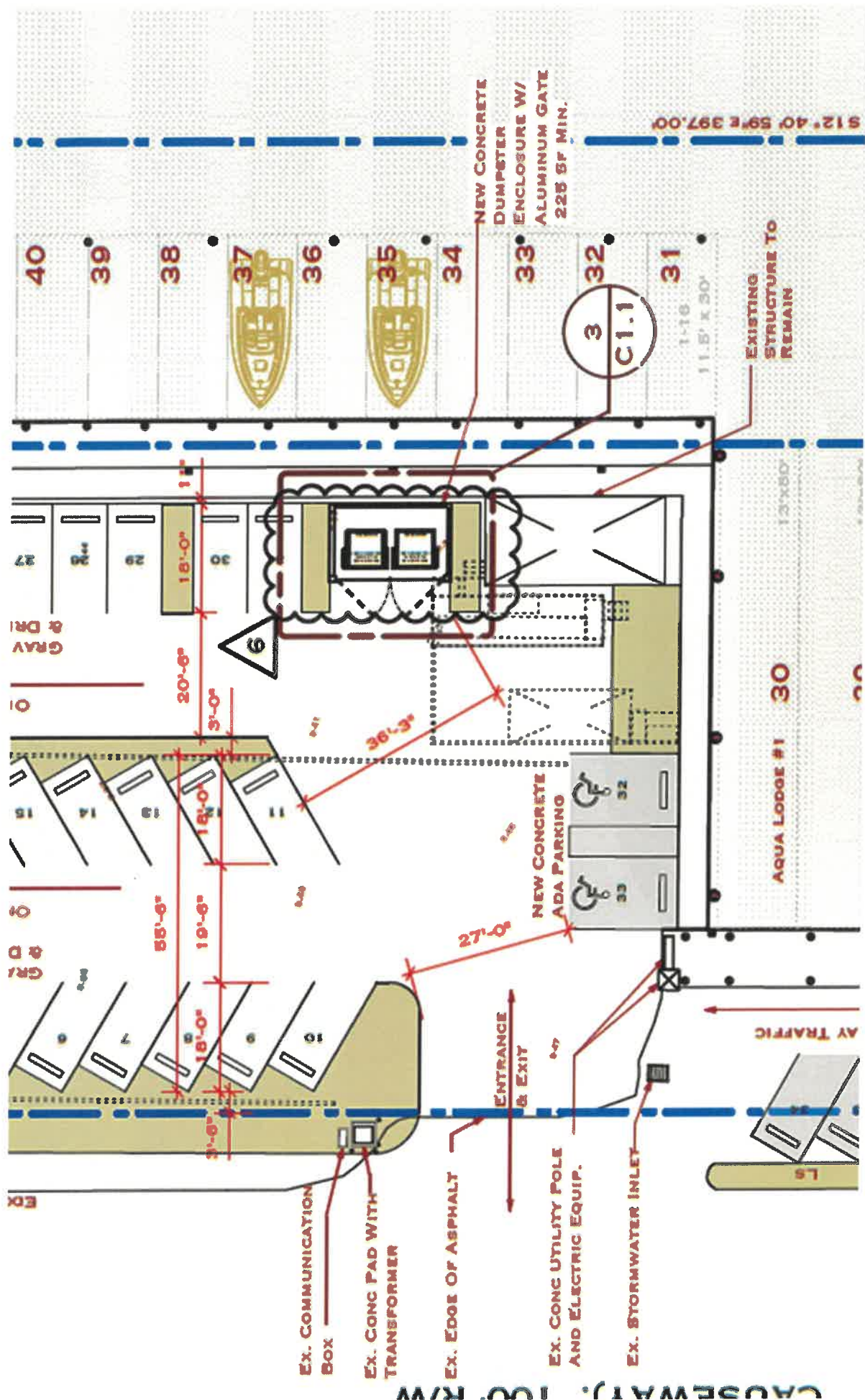
ALL ASPECTS
of your business

TIMOTHY BETH HEAL FLA. REGISTRATION # AR97906

KEY COL



New Proposed Dumpster Location



SITE ADDRESS: 101 E OCEAN DR, KEY COLONY BEACH, FL 33060
 LEGAL DESC.: LOTS 1 & 1A & A TRIANGULAR PORTION LYING TO THE EAST OF LOT 1 & 1A BLOCK 6 KEY COLONY BEACH SEC 4-5-6 TWP-08 SOUTH RGE 33E-01 SHELTER KEY PB3-120 OR-0480-7880
 VE (EL 13'), D.F.E. (EL 14')
 LOT AREA: N/A
 SETBACKS: FRONT 60, SIDE 15', BACK 20'
 MAX BUILDING COVERAGE: N/A
 MIN. OPEN SPACE: 20%
 F.L.U.M.: N/A
 ZONING: MULTI-FAMILY RESIDENCE (R3)

DESIGN LOADS (MINIMUM):	
A. ROOF DEAD LOAD	17 PSF (METAL)
B. ROOF LIVE LOAD	20 PSF
C. DEAD LOAD UPLIFT CALCULATION	78 PSF
D. DEAD LOAD (WOOD FRAMING)	10 PSF
E. FLOOR DEAD LOAD (12" CONCRETE)	180 PSF
F. FLOOR LIVE LOAD (LIVING AREAS)	40 PSF
G. FLOOR LIVE LOAD (BALCONY AREAS)	60 PSF
H. STAIRS LIVE LOAD	60 PSF AND 300 LBS NON-CONCURRENT
I. GUARD RAILS/HANDRAILS	200 LBS

A.	BUILDING OCCUPANCY CATEGORY	II
B.	CONSTRUCTION TYPE	V-B
C.	OCCUPANCY CLASSIFICATION	RESIDENTIAL
D.	WIND SPEED	180 MPH
	a.) ULTIMATE (URFD) =	140 MPH
	b.) ALLOWABLE (ASD)=	D
E.	WIND EXPOSURE CATEGORY	ENCLOSED
F.	ENCLOSURE CLASSIFICATION	+/- 0.18
G.	INTERNAL PRESSURE COEFFICIENT	YES
H.	WIND-BORNE DEBRIS AREA	REFER TO DRAWINGS FOR STRUCTURE HEIGHT AND AREA
I.	STRUCTURAL LOADS AND DESIGN PRESSURES LISTED IN THESE PLANS ARE	
J.	ALLOWABLE (ASD) NOTED OTHERWISE	

INSTALL NEW (4) POST 18K ELEV. BOAT LIFT. @ 12" DIA. P.T. WOOD PILES PER PLAN.
SUBJECT PROPERTY CONTAINS 40 SQFT OF ACCEJD AREA TO BE AVOIDED DURING CONSTRUCTION.

COVER SHEET

- 2023 FLORIDA BUILDING CODE, 8th EDITION, BUILDING, FBC
- 2023 FLORIDA BUILDING CODE, 8th EDITION, RESIDENTIAL, FBC-R
- 2023 FLORIDA MECHANICAL CODE, FBC-M
- 2020 NATIONAL ELECTRICAL CODE, NEC
- 2020 NATIONAL PLUMBING CODE, FBC-P
- 2023 FLORIDA FUEL GAS CODE, 8th EDITION, FPFC
- FLORIDA FIRE PREVENTION CODE, FBC-FG
- NATIONAL FIRE PROTECTION ASSOCIATION, NFPA
- THIS PROJECT HAS BEEN DESIGNED TO COMPLY WITH A SFC 74.14

CS	PROJECT INFORMATION
GN	GENERAL NOTES
SP	SITE PLAN
S1	SECTIONS

SITE KEY PLAN

[illegible]

CAMPBELL ENGINEERING
CONSULTANTS LLC

CONSTRUCTION PROPOSED FOR
THE FOLLOWING LOCATION:

101 E OCEAN DR, KEY
COLONY BEACH, FL

William R. Campbell, P.E.
Email: will@cedtk.com
Phone #: 305-735-4626



Digitally signed by
William R Campbell
Date: 2026.06.01

PROJECT #: 6531

Date: May 28, 2026

SHEET #

88

- MEASUREMENTS ARE 1. CONTRACTOR TO FIELD VERIFY PILE/RIPARIAN LINE LOCATIONS
- DESIGN WATER DEPTHS PER PLAN PRIOR TO CONSTRUCTION AND NOTIFY EOR OF ANY VARIANCES
- ALL PILING SHALL BE NON-COA-LEACHING (RECYCLED, PLASTIC, CONCRETE) OR BE WRAPPED WITH IMPERMEABLE PLASTIC OF PVC SLEEVES. SLEEVES SHALL HAVE A MINIMUM OF 30 MIL THICKNESS AND SHALL EXTEND FROM AT LEAST 8 INCHES BELOW THE LEVEL OF THE SUBSTRATE TO AT LEAST 2 FEET ABOVE THE MEAN HIGH WATER LINE.
- ALL VESSELS SHALL NOT EXCEED 30' IN LENGTH AND 30" IN DRAFT

NEW CONSTRUCTION

- INSTALL NEW (4) POST 16K ELEV. BOAT LIFT, Ø 12" DIA. P.T. WOOD PILES PER PLAN.
- SUBJECT PROPERTY CONTAINS ±0 SOFT OF ACCE-JD AREA TO BE AVOIDED DURING CONSTRUCTION.

GRAPHIC SCALE: 1" = 50'

50' 25' 0' 25' 75'



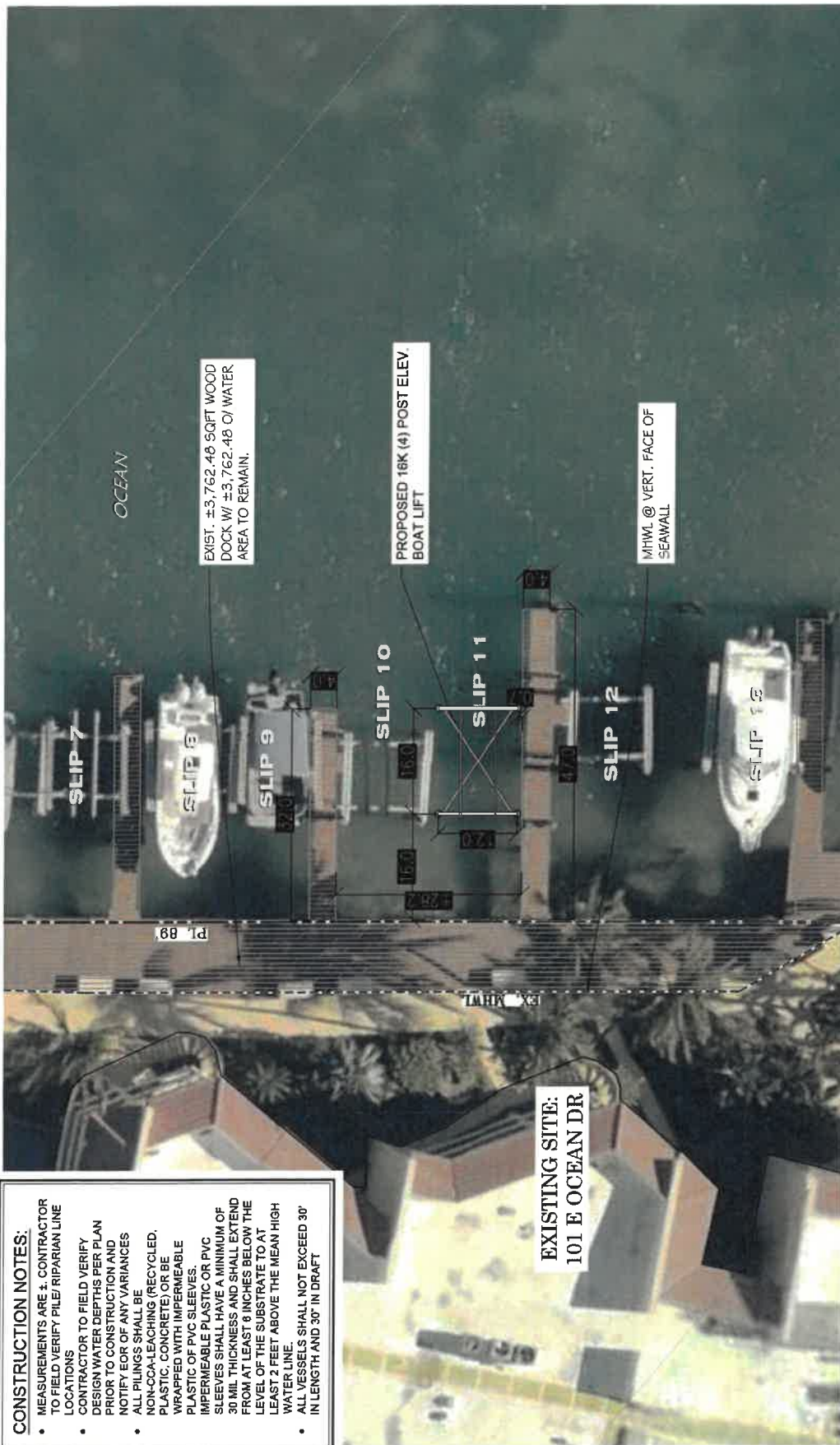
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DESIGN PROFESSIONAL'S ELECTRONIC OR DIGITAL SIGNATURE IS EFFECTIVE ONLY AS TO THAT VERSION OF THIS E

CONSTRUCTION NOTES:

- MEASUREMENTS ARE ±. CONTRACTOR TO FIELD VERIFY PILE/RIPARIAN LINE LOCATIONS
- CONTRACTOR TO FIELD VERIFY DESIGN WATER DEPTHS PER PLAN PRIOR TO CONSTRUCTION AND NOTIFY EOR OF ANY VARIANCES
- ALL PILING SHALL BE NON-COA-LEACHING (RECYCLED, PLASTIC, CONCRETE) OR BE WRAPPED WITH IMPERMEABLE PLASTIC OF PVC SLEEVES. IMPERMEABLE PLASTIC OR PVC SLEEVES SHALL HAVE A MINIMUM OF 30 MIL THICKNESS AND SHALL EXTEND FROM AT LEAST 8 INCHES BELOW THE LEVEL OF THE SUBSTRATE TO AT LEAST 2 FEET ABOVE THE MEAN HIGH WATER LINE.
- ALL VESSELS SHALL NOT EXCEED 30' IN LENGTH AND 30' IN DRAFT

EXISTING SITE:
101 E OCEAN DR



PROPOSED SCOPE OF WORK

NEW CONSTRUCTION

- INSTALL NEW (4) POST 18K ELEV. BOAT LIFT, 0.12' DIA. P.T. WOOD PILES PER PLAN.
- SUBJECT PROPERTY CONTAINS ±0 SQFT OF ACCE-D AREA TO BE AVOIDED DURING CONSTRUCTION.

SITE PLAN



CONSTRUCTION PROPOSED FOR
THE FOLLOWING LOCATION:
101 E OCEAN DR, KEY
COLONY BEACH, FL

CAMPBELL ENGINEERING
CONSULTANTS LLC

William R. Campbell, P.E.
License #: 79269
CA/Reg #: 31437
Email: will@ceclik.com
Phone #: 305-735-4626

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ELECTRONIC COPIES

Digitally
signed by
William R
Campbell



PROJECT #:

6531

Date:

May 28, 2026

SHEET 4 OF 5

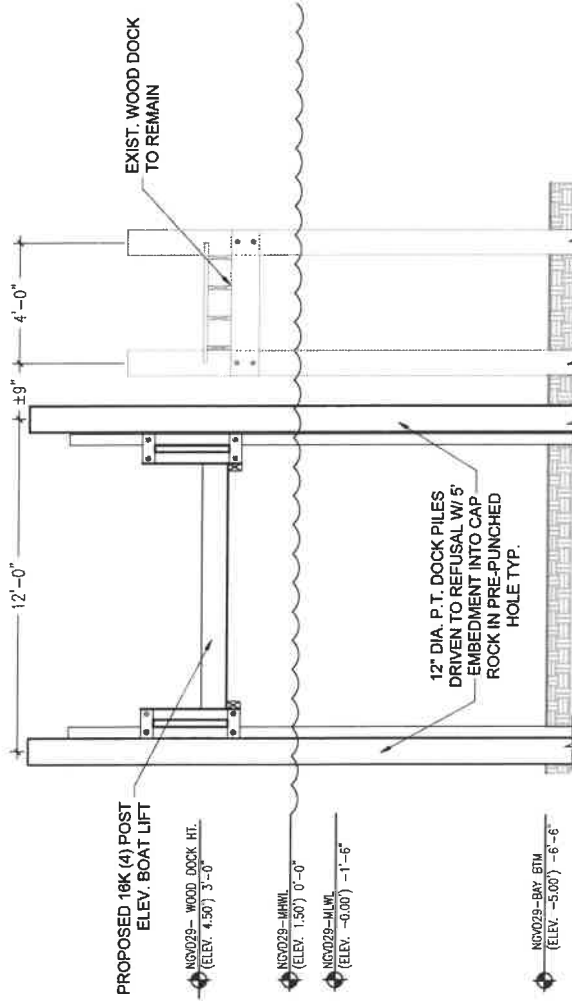
SHEET #

SP-2

SEAL: PROFESSIONAL ENGINEER, STATE OF FLORIDA, LICENSE NO. 79269, WILLIAM R. CAMPBELL, P.E. THIS SEAL IS VALID ONLY AS TO THE SIGNATURE OF THE SEAL. IN SIGNATURE, CONTACT PROFESSIONAL.

CONSTRUCTION NOTES:

- MEASUREMENTS ARE ± CONTRACTOR TO FIELD VERIFY FIFE/ RIPARIAN LINE LOCATIONS
- CONTRACTOR TO FIELD VERIFY DESIGN WATER DEPTHS PER PLAN PRIOR TO CONSTRUCTION AND NOTIFY EOR OF ANY VARIANCES
- ALL PILING SHALL BE NON-COA-LEACHING (RECYCLED, PLASTIC, CONCRETE) OR BE WRAPPED WITH IMPERMEABLE PLASTIC OF PVC SLEEVES. IMPERMEABLE PLASTIC OR PVC SLEEVES SHALL HAVE A MINIMUM OF 30 MIL THICKNESS AND SHALL EXTEND FROM AT LEAST 8 INCHES BELOW THE LEVEL OF THE SUBSTRATE TO AT LEAST 2 FEET ABOVE THE MEAN HIGH WATER LINE.
- ALL VESSELS SHALL NOT EXCEED 30' IN LENGTH AND 30' IN DRAFT



SECTION DETAIL 1
1/4"=1'



CONSTRUCTION PROPOSED FOR THE FOLLOWING LOCATION:

101 E OCEAN DR, KEY COLONY BEACH, FL

CAMPBELL ENGINEERING CONSULTANTS LLC

William R. Campbell, P.E.
 License #: 79269
 CA/Reg #: 31437
 Email: will@cecfk.com
 Phone #: 305-735-4626

Digitally signed by William R Campbell

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SEAL OF THE PROFESSIONAL ENGINEER
 WILLIAM R. CAMPBELL
 STATE OF FLORIDA
 LICENSE NO. 79269
 EXPIRATION DATE 12/31/2026

PROJECT #: **6531**

Date: **May 28, 2026**

SHEET 5 OF 5

SHEET # **S1**



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

February 27, 2026

Katie Teyshak
Florida Department of Environmental Protection
2796 Overseas Highway, Suite 221
Marathon, FL 33050

Dear Katie Teyshak:

The National Oceanic and Atmospheric Administration's (NOAA's) Office of National Marine Sanctuaries (ONMS) has approved the issuance of authorization number FKNMS-2026-066 to conduct nearshore construction activities, specifically to install a 20,000-lb 4-post elevator boat lift at 101 East Ocean Drive, slip 11, Key Colony Beach, FL, 33051 within a marina with ten or more slips in Florida Keys National Marine Sanctuary (FKNMS or sanctuary).

As background, **activities prohibited by FKNMS regulations relevant to nearshore construction projects are:**

- Removal of, injury to, or possession of coral or live rock (15 CFR 922.163(a)(2));
- Alteration of, or construction on, the seabed (15 CFR 922.163(a)(3));
- Discharge or deposit of materials or other matter (15 CFR 922.163(a)(4));
- Movement of, removal of, injury to, or possession of sanctuary historical resources (15 CFR 922.163(a)(9));
- Take or possession of protected wildlife (15 CFR 922.163(a)(10));
- Possession or use of explosives or electrical charges (15 CFR 922.163(a)(11)).

FKNMS' coral database indicates corals are likely located in close proximity to the proposed construction area or within the project footprint. The applicant is required to avoid all corals during construction. The removal of, injury to, or possession of coral or live rock or moving, removing, or injuring sanctuary historical resources are prohibited activities by FKNMS regulations as noted above. Coral relocation must be conducted under a separate ONMS permit and be completed by an ONMS authorized party.

NOAA FKNMS has reviewed Florida Department of Environmental Protection (DEP) application no. 44-0223497-006-EE. Pursuant to 15 CFR § 922.36, FKNMS authorizes the activities listed in the DEP permit for the project as proposed. **This authorization is limited and only authorizes the applicant to alter or construct on the submerged lands and deposit material if the special terms and conditions below are enacted by the applicants. If accidental damage occurs to corals, then the applicant must immediately report the damage to FKNMS and mitigation will be required.**



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary

33 East Quay Road
Key West, FL 33040

These terms and conditions below have been deemed reasonable to protect sanctuary resources and qualities per FKNMS authority at 15 CFR § 922.36 and must be implemented. This determination is only applicable to the application provided, including all project plans and methods detailed in that application and any additional information submitted or follow-up correspondence between the applicant, their agent, or representative and FKNMS. If any changes are made to the project description or methods deviate from those provided to FKNMS, in the application, the applicant shall notify FKNMS and this letter of authorization may be rescinded. Upon such notification, FKNMS shall re-review the project and special conditions and provide a supplementary determination. Further information on sanctuary permit review and authorization is set forth at 15 CFR § 922 Subpart D.

This project has been assigned authorization FKNMS-2026-066. Please contact FKNMS at fknms.authorizations@noaa.gov if you have questions about FKNMS's determination on this project or the attached conditions. Thank you for your continued cooperation with the Florida Keys National Marine Sanctuary.

Sincerely,

David Burke
Acting Superintendent, FKNMS

cc: david.burke@noaa.gov
beth.dieveney@noaa.gov
Ingrid.C.Fuquene@usace.army.mil
shorelinemarineinc@gmail.com
will@cecflk.com



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

**NOAA Florida Keys National Marine Sanctuary
Required Conditions for Seapointe Condo-Sea Mack LLC, Karlis Vecitis to install a
20,000lb boat lift.
Authorization #FKNMS-2026-066**

DEBRIS REMOVAL

1. All debris and any other observable debris within the boundaries of the submerged parcel associated with the property must be removed from the sanctuary within fifteen (15) days of completion of the authorized work and disposed of at an authorized upland waste disposal facility.
2. No demolition or construction debris may be deposited in waters of FKNMS at or near the project site at any time.
3. A post-construction benthic survey to inspect compliance with this/these condition(s) may be required. Should construction or other debris be evident in adjacent waters, the applicant or his agent will be required to clean up all items immediately and mitigate for any resource injury.
4. Mitigation will not be required for any remaining coral colonies located on anthropogenic debris that will be removed due to the public benefit of restoring sanctuary habitats (i.e., allowing natural surrounding habitats such as seagrass and hardbottom species to recolonize the area) and/or promoting the natural condition of the sanctuary.

CORAL PRESERVATION/AVOIDANCE CONDITIONS

5. The stony coral colonies and sea fans (*Gorgonia* spp.) within a twenty (20) foot buffer beyond the construction footprint documented in a Benthic Resource Assessment or found during construction must be avoided during all construction activities including turbidity curtain installation and removal, pile driving, dock installation, barge spudding, construction vessel anchoring or any other activities.
6. Any accidental damage to corals during construction must be reported immediately to FKNMS and construction operations in the area of observed damage must cease until guidance is provided by FKNMS. Contact Dr. Andy Bruckner at Andy.Bruckner@noaa.gov, Dr. Harrison Albert at Harrison.Albert@noaa.gov, and Stacey Weinstock at fknms.authorizations@noaa.gov for notification of damage.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

7. A post-construction benthic survey (preferably conducted by the same biologist who performed the initial survey) may be requested within one (1) month of construction completion to assess the status and health of coral species near the new boat lift. The completed survey should be submitted to FKNMS at fknms.authorizations@noaa.gov. Mitigation may be required if any impacts to corals have occurred, see below.

CORAL MITIGATION CONDITIONS

8. If accidental damage to corals occurs, the applicant or their agent shall mitigate at the project site through a monetary payment to the National Marine Sanctuary Foundation for specified use in the FKNMS Coral Nursery Program. Payment submittal instructions will be provided by FKNMS via email. A copy of the check and cover letter shall be transmitted to FKNMS staff at fknms.authorizations@noaa.gov.

ENVIRONMENTAL PROTECTION AND MONITORING

9. This authorization and associated conditions are based on construction methods provided in the permit application. If deviations from these project plans will occur, contact FKNMS.authorizations@noaa.gov for review and approval.
10. The applicant shall allow access to the site by FKNMS staff and/or FKNMS-approved personnel prior to and once construction commences to observe environmental protection strategies (e.g., debris containment).
11. The applicant shall ensure that no queen conch (*Aliger gigas*) is adversely impacted. Should any live animals be found within the project footprint, the applicant shall cease activity and notify ONMS (FKNMSpermits@noaa.gov) within 24-hours of the animal's depth and GPS coordinates (in decimal degree format) or complete the Google Form: <https://forms.gle/K5E3gxtD1ZS4T6Uz6>. Activity at the location shall not resume without written authorization from ONMS.
12. **If any Endangered Species Act (ESA) listed corals or other biological resources are identified during construction, all activities shall cease immediately.** ONMS (FKNMSpermits@noaa.gov and FKNMS.authorizations@noaa.gov) shall be notified of this finding within twenty-four (24) hours. Notification shall include the GPS coordinates (in decimal degree format), depth, a description, and, if available, photographs. Activity at the location shall not resume without written authorization from ONMS.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE

Florida Keys National Marine Sanctuary
33 East Quay Road
Key West, FL 33040

13. Unanticipated injury to corals, seagrasses, or other resources within or outside of the construction footprint shall be reported to FKNMS immediately. Contact Dr. Harrison Albert at Harrison.Albert@noaa.gov or 786-243-6037. NOAA may require the development and implementation of an emergency restoration plan if the severity of injury warrants. NOAA retains the right to assess damages for unanticipated impacts to corals, seagrasses, or other resources that result from the construction project.
14. Disturbance to historical resources and artifacts, including historical shipwrecks and indigenous archaeological sites is not authorized. If historical resources and/or artifacts are discovered, any activities that may disturb sediment within a one-hundred (100) meter radius of the location shall cease immediately. Notification of such discovery shall be made to ONMS (FKNMSpermits@noaa.gov and FKNMS.authorizations@noaa.gov) within twenty-four (24) hours. Notification shall include the GPS coordinates (in decimal degree format), depth, a description, and photographs. Activity at the location shall not resume without written authorization from ONMS.
 - a. In addition, if prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving sediment disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources (DHR), Compliance Review Section at (850) 245-6333 and CompliancePermits@dos.fl.gov. Project activities shall not resume without verbal and/or written authorization from DHR.
 - b. In the event that human remains are encountered during permitted activities all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes in addition to notifying ONMS with the information above. Activity at the location shall not resume without written authorization from ONMS.

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upload an image

 PERMIT PROJECT
FILE #: 26-000221
101 E OCEAN DR UNIT B11, KEY COLONY BEACH FL 33051
INSTALL 16K FOUR POLE BOAT LIFT



PERMIT #: B26-000148

Permit Type
Building Permit

Subtype
Boat Lift

Work Description:
Install 16K Four Pole Boat Lift

Applicant
Shoreline Marine Construction Inc - Brian Leaman

Status
Under Review

Valuation
0.00



FEES & PAYMENTS

Plan Check Fees	0.00
Permit Fees	927.63
Total Amount	927.63
Amount Paid	0.00
Balance Due	927.63

☐ Non-Billable



PERMIT DATES

Application Date
05/27/2026

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

Are you the property owner?

No

Property Owner Name

Sea Mack, LLC/Karlis Vecitis

Property Owner Address

355 N. Lakeview Ct. Oconomowoc WI53066

Property Owner Phone Number

414-731-4460

Property Owner Email

lkck666@gmail.com

PROJECT INFORMATION

Type of Structure

Single Family

Intended Use (Specify Residential or Business)

Boat Slip/ Residential

Type of Construction (Specify concrete block, frame, etc.)

Marine

Cost of Construction

\$25,000.00

Will you be using a Private Provider

No

[click here for private provider packet.](#)

Private Provider

SUBMITTAL REQUIREMENTS

Please upload all supporting documents here

101 E Ocean Dr Key Colony Beach FL Boat Lift ESS.pdf

1. MERP Seapointe SeaMack Slip 11 Lift 44-0223497-006-EE.pdf

FKNMS-2026-066 Seapointe Condo-Sea Mack LLC, Karlis Vecitis.pdf

KCBBuildingAppSeaMack.pdf

PropertyCardSeaMackLLC.pdf

SunbizSeaMackLLC.pdf

SeaMacsubcontractorsignon.pdf

SeaMackLLCElectricalSpecs.pdf

Concept 4k to 24k FBC 2025 (8).pdf



Florida Product Approval or NOA

Florida Product Approval or NOA search [Click this Link](#)

Upload Installation Instructions

As of 3/1/2024 the new notice of commencement will be required.

Notice of Commencement

[download here](#)

☐ NOC Checked

Private Provider Notice Form
download here

Private Provider Form



Owner Builder Disclosure Statement
download here

Owner Builder Disclosure Form



Contractor Registration Form
download here

Contractor Registration Form



Cargo Lift Safety Affidavit
download here

Cargo Lift Safety Affidavit



Substantial Improvement/Substantial Damage Worksheet
download here

Substantial Improvement/Substantial Damage Worksheet



A Notice of Commencement is required prior to scheduling inspections. Please download and complete the Notice of Commencement document. This form needs to be recorded with the Monroe County Clerk of Court and filed with our office.

CONTACTS

Contractor

Shoreline Marine Construction Inc - Brian Leaman



Bonding Company Name/Address



Architect/Engineer Name/Address



LIST ALL SUBCONTRACTORS, COUNTY & STATE LICENSE NUMBER AND COST

Starting March 1, 2024, the new sub-contractor letter of intent needs to be uploaded for each sub-contractor on the job before any permit will be issued.

Electrical Subcontractor Form

SeaMacsubcontractorsignon.pdf



Electrical

Hills Electric - Anthony Hills



Plumbing Subcontractor Form



Plumbing



Mechanical Subcontractor Form



Mechanical



Concrete/Masonry Subcontractor Form



Concrete/Masonry



Carpentry Subcontractor Form



Carpentry



Roofing Subcontractor Form



Roofing



Swimming Pool Subcontractor Form



Swimming Pool



OTHER SUBCONTRACTORS

OTHER SUBCONTRACTOR FORM

OTHER



+ Add Row

ACKNOWLEDGEMENT

Once you click submit you will be directed to our secure payment processor. Failure to pay the application fees will result in a delay in permit review.

OFFICIAL USE

☐ After the fact

Charge Fire Safety Fees



Charge Clean Up Bond Fees



☐ Charge Type of Structure Fee

FEES



FEE	DESCRIP	QUANTITY	AMOUNT	TOTAL
Permit Fee - Add/Alt/Conv				905.00
Building Surcharge Fee				22.63
Plan Check Fees				0.00
Permit Fees				927.63
Total Fees				927.63

PAYMENTS



DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT
------	------	-----------	------	-----------	---------------	--------

Amount Paid	0.00
Balance Due	927.63

Neighbor Consent or Lack Thereof for Permitted Project

Property Information (seeking approval)

Project Address: 101 E. Ocean Drive, Slip B11

Owner Name: Chuck Vectis

Project Work Description: Install 16K Four Pole Boat Lift

Neighboring Property Owner Information

Property Owner Name: Deborah S. Rutstein

Property Owner Address: 101 E. Ocean Drive, Slip B10

Neighbor Response

Please indicate your decision regarding the proposed permitted project.

☒ APPROVAL - I approve of the proposed permitted project as described above.

☐ DENIAL - I do not approve of the proposed permitted project as described above.

Signature

I certify that I am the owner (or authorized representative of the owner) of the property listed above and that I have indicated my approval or denial of the proposed permitted project.

Signature: Deborah S. Rutstein

Printed Name: Deborah S Rutstein

Date: July 31, 2026

Comments(Optional) This is second time okaying this.
Why was an email with my signature
not okay?

Fwd: Boat Lift

From Brian Leaman <shorelinemarineinc@gmail.com>
Date Fri 8/7/2026 1:54 PM
To Samantha Rodamer <buildingassistant@keycolonybeach.net>

----- Forwarded message -----

From: **Chuck Vecitis** <lkck666@gmail.com>
Date: Fri, Aug 7, 2026 at 1:45 PM
Subject: Fwd: Boat Lift
To: Coastal Docks Brian Lehman <shorelinemarineinc@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: Tom Bergeman <tbergeman@gmail.com>
Date: August 7, 2026 at 11:42:00 AM MDT
To: Chuck Vecitis <lkck666@gmail.com>
Subject: **Re: Boat Lift**

I, Thomas Bergeman owner of slip B12, approve the proposed installation of the 4-post boat lift in slip B11 owned by Chuck Vecitis.

Thomas Bergeman
571-206-8404

On Fri, Aug 7, 2026 at 1:11 PM Chuck Vecitis <lkck666@gmail.com> wrote:

This is the email from Key Colony

Hello Claudia,

Thank you for providing this. As discussed, the remaining neighbor approval does not necessarily need to be on the provided form. If you would still like to use the email format, we can accept, however, it will need to clearly state the owners name, slip number, approval or denial, owner name requesting the approval, and his slip number. Please see the example below.

I _____ (owner name) owner of slip ____ (number), _____ (approve or deny) the proposed installation of the 4- post boat lift in slip B11 owned by Chuck Vecitis.

Hopefully this will help the owner receive approval from this neighbor who is out of the country. I will need to receive the last approval prior to Monday, August 10th to ensure it can be added to the August 19th Planning & Zoning Board meeting.

Thank you!

Kind Regards,
Samantha Rodamer
Building Assistant
City of Key Colony Beach
(305)289-1212, ext. 110 (office)
(786)933-0726 (cell)
In
Sent from my iPhone

On Aug 7, 2026, at 10:53 AM, Tom Bergeman <tbergeman@gmail.com> wrote:

Hi Chuck,

I have not received your email.

Thanks,

Tom

--

Brian Leaman



Sec. 5-41. - Boat lifts.

Definitions.

Cradle or hoist lift. A lifting device consisting of two (2) horizontal metal beams with vee-shaped chocks attached to hold a boat. The beams are supported between four (4) pilings, driven into the canal or bay bottom. The boat is raised or lowered by means of cables and cable drums. Two (2) pilings on one (1) side of the boat have the cables rigidly attached and the two (2) pilings on the other side of the boat have the cable drums attached for raising or lowering the boat.

Davits. A cable lifting device consisting of one or two (2) gantry cranes with cable drums. The cranes have pivoting capability to lift a boat from the water and pivot onto a seawall cap or wooden dock.

Elevator lifts. A lifting device with two (2) horizontal prongs or forks, perpendicular to the seawall which ride in two (2) vertical or slightly slanted metal tracks attached to the seawall or dock and extended down into the canal and bay bottom. The forks are raised or lowered via a cable drum. A boat is lifted while resting on vee-shaped chocks attached to the metal forks. The forks are lowered far enough into the water to allow the boat to float free.

Hydro or pontoon lift. A lifting device which consists of two (2) parallel floating pontoons connected by two (2) horizontal cross members with boat chocks attached. The horizontal beams are raised and lowered by means of cables and drums in one (1) design and, in another design, by filing the pontoons with air to raise the boat or with water to lower the boat.

(Ord. No. 295-1995, 3-22-95; Ord. No. 306-1997, 5-8-97)

Sec. 5-42. - Davits.

Davits may be erected and used in and adjacent to canals or waterways of the city subject to the following conditions:

- (1) Concrete base of davit: Side setback five (5) feet from property line.
- (2) Davits rated for over five thousand five hundred (5,500) pounds of lifting capacity each, shall require the approval of the city commission.
- (3) Davits shall require a licensed engineer's certifying that the base they are attached to will carry one hundred twenty (120) per cent of the rated capacity plus the weight of the davits.

(Ord. No. 295-1995, 3-22-95; Ord. No. 306-1997, 5-8-97)

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.

(Ord. No. 306-1997, 5-8-97; Ord. No. 375-2004, 9-23-04; Ord. No. 415-2010, 5-13-10; Ord. No. 416-2010, 6-24-10; Ord. No. 464-2020, 7-23-20; Ord. No. 2023-484, § 2, 6-15-23)

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

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

(Ord. No. 306-1997, 5-8-97; Ord. No. 394-2007, 6-28-07; Ord. No. 2025-502, § 2, 11-20-25)

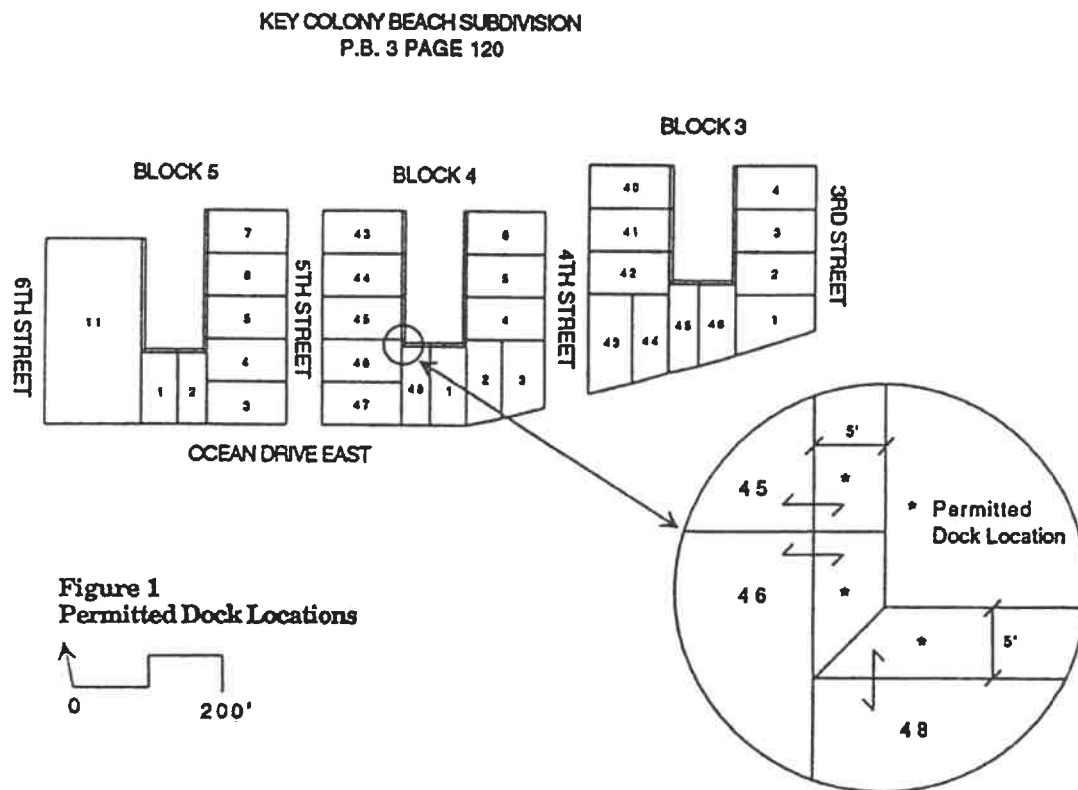


Figure 1 Permitted Dock Locations

KEY COLONY BEACH 1ST ADDITION
AMENDED PLAT
P.B. 4 PAGE 11

KEY COLONY BEACH 2ND ADDITION
P.B. 4 PAGE 94

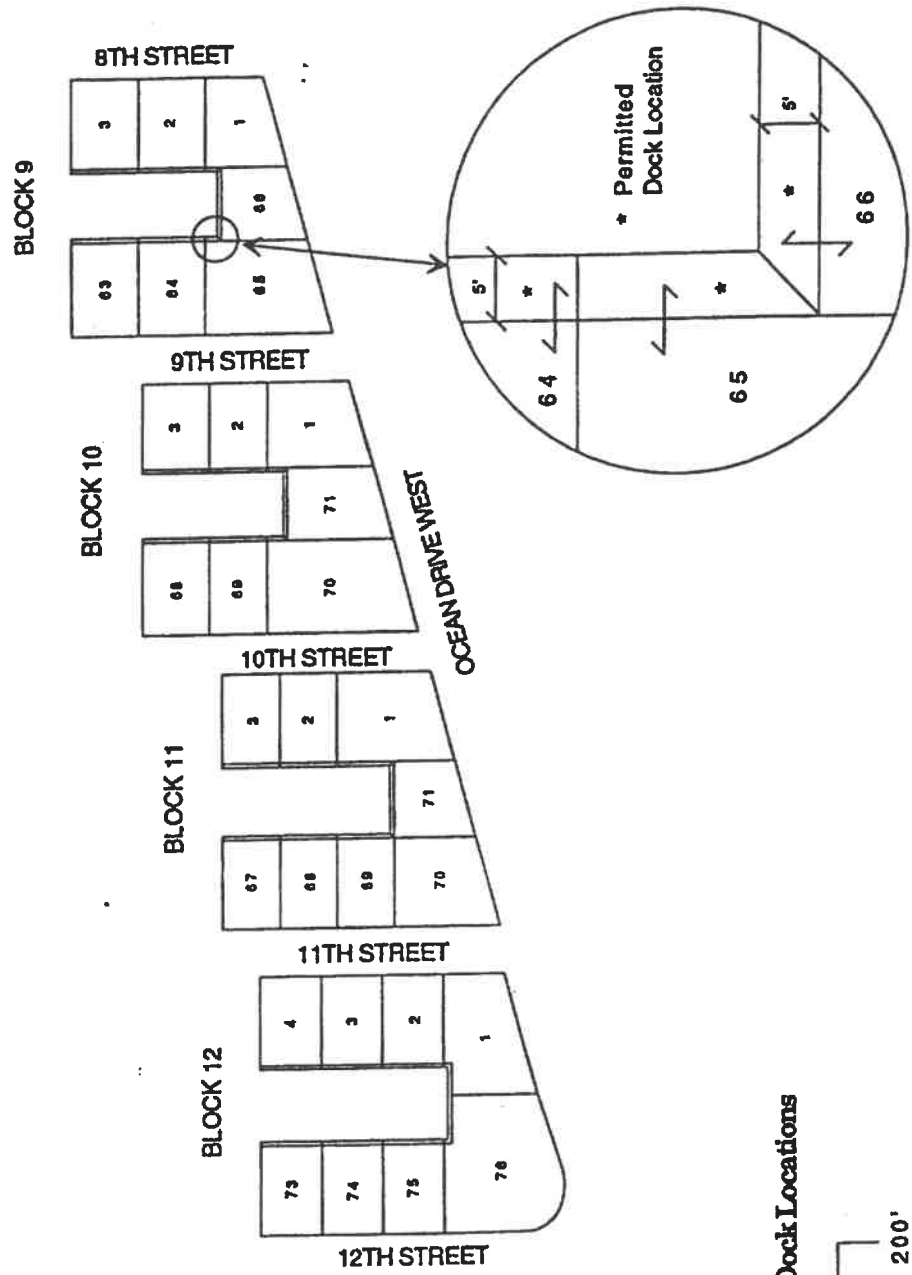


Figure 2
Permitted Dock Locations



ORDINANCE 2026-516

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING ARTICLE I, CHAPTER SIX OF THE CODE OF ORDINANCES RELATED TO CERTAIN REQUIREMENTS FOR NEW CONSTRUCTION; SPECIFICALLY AMENDING SECTION 6-3 (ADDITIONAL CONSTRUCTION SPECIFICATIONS), SUBSECTION 6-3(2) (NEW CONSTRUCTION MATERIALS) TO PROVIDE FOR THE ELIMINATION OF CERTAIN REQUIREMENTS FOR NEW CONSTRUCTION MATERIALS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION IN THE CODE OF ORDINANCES; AND PROVIDING FOR 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 has adopted various standardized building codes by reference; and

WHEREAS, the City has further enacted Section 6-3(2) of its Code of Ordinances for the purposes of requiring additional specifications for new construction materials, to-wit: masonry type materials being required for all new construction; and

WHEREAS, the State of Florida has enacted Chapter 2026-63, Florida Laws, effective July 1, 2026, which prohibits local governments from adopting or enforcing any zoning, land use, or development regulation that treats an offsite-constructed residential dwelling differently or more restrictively than a single-family site-built dwelling allowed in the same district;

WHEREAS, the City Commission finds that Section 6-3(2) of its Code of Ordinances, as currently enacted, conflicts with and is preempted by Chapter 2026-63, Florida Laws, and desires to amend its Code of Ordinances to comply with the same.

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, and incorporated herein.

Section 2: Amending Section 6-3 of the Code of Ordinances

Chapter 6 (Buildings), Article I (Building Code), Section 6-3 (Additional construction specifications) of the Code of Ordinances of the City of Key Colony Beach, Florida, is hereby amended as follows:

Sec. 6-3. – Additional construction specifications.

(2) *New construction materials.*

(a) Excluding new single-family dwellings, masonry ~~Masonry~~ type materials must be used for all new construction.

1. The masonry content shall consist of reinforced concrete, concrete block, and/or prestressed concrete products, and shall be a minimum of seventy-five (75) per cent of the overall exposed vertical walls, excluding screened-in and glass areas.

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]

FIRST READING by the City of Key Colony Beach City Commission this ____ day of _____, 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 ____ day of _____, 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 ____ day of _____, 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 NO. 2026-517

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING ARTICLE III, CHAPTER 101 OF THE LAND DEVELOPMENT REGULATIONS RELATED TO REDUCTION OF CERTAIN REAR LOT LINE AND CANAL SETBACKS FOR RESIDENTIAL POOLS, SPAS, HOT TUBS; SPECIFICALLY AMENDING SECTION 101-26 OF THE LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR REDUCED REAR SETBACKS FOR RESIDENTIAL SWIMMING POOLS, SPAS, HOT TUBS FROM CERTAIN REAR LOT LINES AND CANALS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach, Florida (the “City”), is a Florida Municipal Corporation with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 166, Florida Statutes, grants the City broad municipal home rule powers to enact ordinances which represent official legislative action of the City Commission and are enforceable as a matter of law; and

WHEREAS, the City Commission of the City of Key Colony Beach, Florida (the “City Commission”) determined the need to amend the Land Development Regulations to reduce certain required rear lot line and canal setbacks for residential swimming pools, spas and hot tubs; and

WHEREAS, the City Commission desires to specifically amend Article III, Section 101-26 of the City’s Land Development Regulations in order to clarify the required setbacks for residential swimming pools, spas and hot tubs; and

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

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1: Recitals

The above recitals are true and correct, and incorporated herein.

Section 2: Amending Section 101-26 of the Land Development Regulations

Section 101-26 of Article III, “District Regulations” of the Land Development Regulations of the City of Key Colony Beach, Florida, is hereby amended as follows:

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

(11) Swimming pools, spas, hot tubs.

(a) Setbacks:

- (1) 5 feet from side lot lines; and
- (2) 10 feet from rear lot lines and (MHW) on canals. Provided, however, this 10-foot rear lot line and MHW on canals setback requirement shall be reduced to a 5-foot setback if a building permit application which includes such an accessory structure is accompanied by a licensed engineer's sealed certification that:
 - (i) The proposed swimming pool, spa or hot tub and its associated construction will not adversely affect the structural integrity or stability of the seawall, retaining wall, or other shoreline or erosion structures and/or devices at or adjacent to the property, if any; and
 - (ii) The proposed swimming pool, spa or hot tub and its associated construction will not adversely affect any public infrastructure, public drainage systems, or other public erosion control measures;
- (3) 25 feet from front lot line in all districts;
- (4) 15 feet from side lot line in R-3 and RH districts;
- (5) 100 feet from Ocean (MHW); and
- (6) 20 feet from MHW on Vaca Cut.

Section 3: Severability and Conflict

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

Section 4: Inclusion in the Code of Ordinances and Land Development Regulations

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

Section 5: Effective Date

This Ordinance shall become effective upon its final adoption by the City Commission of the City of Key Colony Beach, Florida.

FIRST READING by the City of Key Colony Beach, Florida, City Commission this 20th day of August 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, Florida, City Commission on this 17th day of September 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 17th day of September 2026.

Freddie Foster
Mayor

Silvia Roussin, City Clerk

(Seal)

Approved as to form and legal sufficiency:

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

August 11, 2026

To: Planning and Zoning Board Members

From: Planning and Zoning Board Member, Lynne Benton

RE: ***Planning and Zoning Board Member Handbook – first draft***

Dear colleagues,

I appreciate the opportunity to help provide clarification so that I, and other members, may competently carry out our duties as members of the Planning and Zoning Board.

Based on your questions and comments, and our discussions at the Planning & Zoning meetings over the last two (2) years, I've prepared the attached *draft* Planning & Zoning Handbook. The goal is to eventually have the City adopt this handbook as provided below, as a living training and reference manual for Board members.

Being new to public governance in Florida, I researched whether cities generally adopt this type of handbook, and if so, what are the considerations. The results of my research are included on page 2.

I understand we want to use our City staff and attorney time judiciously, and therefore suggest the following review process:

1. **City Planning Review & Planning & Zoning Board review (informal).**

City reviews the first draft for general content to ensure the information appears to be accurate and reasonable, and verifies code references (not legal review).

P&Z members review the first draft solely for readability, organization, and whether you believe the information would be helpful to new and current members. You are not being asked to comment on legal accuracy or City policy.

2. **Revise the handbook/final pre-attorney approval.** Incorporate suggestions to improve accuracy, clarity, examples, graphics, and organization. Submit revisions to City and P&Z members for final approval.

3. **City Attorney review.** Once the handbook has been updated and is in its final draft form, ask the City Attorney to review it for legal accuracy, consistency with the Code and Florida law, and any statements that should be added, modified, or removed.

4. **Final approval.** Final version (with attorney changes) reviewed and approved by City staff, P&Z Board, and City attorney. Recommend the City Commission adopt the Handbook for use by the P&Z Board (see above).

Updates – Once adopted, I recommend appointing a P&Z member, board Chair?, to be the liaison with the City to provide interim updates to this handbook when there are changes in the law or procedures. This way, P&Z members will always have the latest information from which to base their decisions.

Sample language for adopting the handbook. This handbook is adopted by the City Commission as the official training and reference manual for members of the Planning & Zoning Board. It is intended to promote consistent application of the City's land use regulations and Florida law. In the event of any conflict between this handbook and applicable law, the governing law shall control.

Florida law supports training

Florida statutes do not require a Planning & Zoning handbook, but they do require board members to perform quasi-judicial duties in accordance with due process and applicable law. Providing training helps ensure decisions are based on the correct legal standards and competent, substantial evidence.

Many Florida cities and counties provide:

- Planning & Zoning Board manuals,
- Board orientation materials,
- quasi-judicial hearing guides,
- ethics training,
- Sunshine Law training,
- and legal memoranda prepared by the city attorney or planning staff.

A City Commission may adopt a handbook that:

- Explains the Board's role and responsibilities.
- Describes the City's Comprehensive Plan, Land Development Regulations, and Code of Ordinances.
- Summarizes applicable Florida statutes and case law.
- Explains quasi-judicial procedures, due process, ex parte communications, Sunshine Law, and public records requirements.
- Provides checklists, sample findings of fact, hearing procedures, and best practices.
- Serves as a training and reference manual for Board members.

A handbook should not:

- Amend or replace the City's ordinances or Comprehensive Plan.
- Create new legal standards or variance criteria.
- Limit the Board's discretion beyond what the law requires.
- Conflict with the City Code, Florida Statutes, or controlling case law.

Planning & Zoning Board Member Handbook

(draft August 11, 2026)

A Reference and Training Guide for Board Members

City of Key Colony Beach, Florida

Adopted by the City Commission: [date]

This edition supersedes all prior versions.

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Introduction

Congratulations on your appointment to the Key Colony Beach Planning & Zoning Board!

Public Trust

As a Planning and Zoning Board member, you have been entrusted with an important public responsibility. You will help shape the future of Key Colony Beach by recommending planning policies and reviewing land use applications in accordance with the law.

Your recommendations can affect individual property rights, public safety, environmental quality, community character, government transparency, and the quality of life for years to come. Because these decisions affect individual rights and community character, you are expected to perform your duties with fairness, integrity, professionalism, and respect for the rule of law.

Public confidence depends not only on the decisions you make, but also on how you make them. By following the law, applying consistent standards, and treating everyone with fairness and respect, you help maintain the public's trust in local government.

People judge government not only by the outcome, but by whether the process was fair.

About This Handbook

Navigating land use planning, procedures, and laws can be challenging. Understanding the state and local land development process and applying the correct legal standards and procedures are essential to making fair, reasonable, and legally defensible decisions.¹

The purpose of this handbook is to help Planning and Zoning Board members understand their responsibilities and the legal framework governing land use decisions. This handbook is to be used only as a training and reference manual and is intended to help Board members:

- understand the Board's purpose and responsibilities;
- recognize the different roles performed by the Board;
- understand the legal framework governing planning and zoning;
- fairly evaluate land use applications;
- participate effectively in public hearings; and
- make recommendations that are consistent with applicable law and supported by the record.

Questions

As a new member, you may have many questions. While this handbook is intended to address many of them, please feel free to contact City Staff to help ensure compliance with the local, county, and state laws. Because Florida's Sunshine Law limits communications among Board

¹ Florida Bar, "ABCs of local land use and zoning decisions." Vol. 84, No. 1 (January 2010). <https://www.floridabar.org/the-florida-bar-journal/abcs-of-local-land-use-and-zoning-decisions>

members outside of properly noticed public meetings, members should avoid discussing Board business with one another except as permitted by law.

Thank you for your service to the citizens of Key Colony Beach!

Chapter 1 - Planning & Zoning Board

Why Planning and Zoning Boards are Necessary

Planning and Zoning Boards play a vital role in shaping a community's future by helping ensure that land use decisions are informed, consistent, legally sound, and aligned with the community's long-term vision.² Through the fair and consistent application of adopted plans, policies, and regulations, the Board promotes development that preserves community character and protects property values.

Without effective planning and zoning, land use decisions can become inconsistent, unpredictable, compromise grant funding, and vulnerable to legal challenge. This can undermine public confidence, create uncertainty for property owners, and result in decisions driven by individual preferences rather than the community's adopted plans and standards.

What is the Purpose of the Planning and Zoning Board

The purpose of the Planning & Zoning Board is to help shape the future of Key Colony Beach by ensuring that land use recommendations are in compliance with the State and local goals, policies, and regulations.

Although often discussed together, planning and zoning serve different purposes. **Planning** establishes the community's long-term vision. **Zoning** implements that vision by regulating how land is used and developed.

The Board carries out these responsibilities in two distinct ways. In its **legislative role**, the Board plans for the future by recommending amendments to the Comprehensive Plan, Land Development Regulations, and Code of Ordinances. In its **quasi-judicial role**, the Board applies those adopted regulations to individual land use applications by determining whether an applicant has satisfied the applicable legal standards.

Because Key Colony Beach is a small, built-out waterfront community, individual land use decisions can have lasting impacts on neighboring properties and the character of the City. The Board's purpose is to provide fair, consistent application of the law to help preserve public trust and the qualities that make Key Colony Beach unique.

The Board's Authority

The Planning & Zoning Board is an advisory board established by the City. Its authority is limited to the duties assigned by Florida law and the City's ordinances.

The Board's Organization

The Board's organization, membership requirements, meeting procedures, recordkeeping responsibilities, and administrative operations are established by Section 101-185 of the Key Colony Beach Code of Ordinances:

² Florida Planning Officials Handbook, p. I-1 (January 2022). <https://www.miamisprings-fl.gov/media/68826>

Attendance: If a member fails to attend two (2) of three (3) consecutive meetings without cause and without prior approval of the chair, the Board shall declare the member's office vacant. KCB Ordinance, § 101-185(3).

Budget: Presents an annual budget when the City prepares its budget. KCB Ordinance, §101-185(7)(b).

Meetings: Holds regular monthly meetings unless there is no business to conduct, and meets at other times as directed by the chair or the City Commission. KCB Ordinance, §101-185(6).

Membership: Members and alternates may not be elected officials or City employees. KCB Ordinance, § 101-185(2).

Minutes: Minutes of all meetings shall be prepared and filed promptly with the City Clerk. KCB Ordinance, § 101-185(6).

Officers: Elects a chair, vice-chair, and secretary at the first meeting in May. Officers serve one-year terms or until their successors are elected. KCB Ordinance, § 101-185(5).

Qualifications: Members and alternates must be residents of the City. KCB Ordinance, §101-185(2).

Records: Maintains records of its findings and determinations, including recommendations on ordinance amendments and variance requests. KCB Ordinance, §101-185(7)(a).

Terms: Members serve staggered two-year terms. Three (3) members are appointed in odd-numbered years and two (2) members in even-numbered years. Terms expire no later than the second regular City Commission meeting in April. KCB Ordinance, § 101-185(4).

Roles Within City Government

Each part of City government has a distinct responsibility.

The Planning and Zoning Board applies existing laws, it does not create them, by conducting public hearings and making recommendations as authorized by the Law.

The City Commission adopts and amends ordinances, establishes policy.

City staff administer the regulations and provide technical assistance.

The City Attorney advises the Commission on legal matters.

Public Participation – Different Opinions Result in Better Decisions

Public participation is an essential part of the planning and zoning process. Public hearings provide applicants, neighboring property owners, and interested citizens an opportunity to present information relevant to the matter under consideration.

Most people naturally prefer outcomes that align with their own interests, experiences, beliefs, and values. From an evolutionary perspective, getting our way often meant obtaining resources, safety, status, or control. Our brains are also prone to confirmation bias—we tend to seek

information that supports what we already believe. However, wanting our own way is not the same as always being right.

"The goal is not for everyone to get their way. The goal is for everyone to have a chance to be heard before the best decision is made."

Sometimes, after considering all viewpoints, the final decision may still be the same as the original proposal. But the process of listening, questioning, and evaluating alternatives increases confidence that the decision is based on the merits rather than on who has the most power or the loudest voice.

For a community like Key Colony Beach, this concept is particularly important. Residents may disagree on specific issues, but when people feel respected, informed, and included, the community becomes stronger—even when the final decision is not everyone's first choice.

Including different viewpoints generally leads to better decisions because:

1. **No one sees the whole picture.** Every person has blind spots. Different experiences and backgrounds reveal risks, opportunities, and consequences that others may miss.
2. **Bad ideas are exposed before they become problems.** Respectful disagreement acts as a stress test. If an idea cannot withstand reasonable questions, it may need improvement.
3. **Better solutions often emerge.** The best answer is frequently not one person's idea but a combination of several perspectives.
4. **People support decisions they helped shape.** Even when individuals do not get exactly what they want, they are more likely to support a decision if they believe they were heard and treated fairly.
5. **It reduces costly mistakes.** History is full of examples where leaders surrounded themselves with people who agreed with them, overlooked important information, and made poor decisions.

For More Information

The following resources may be helpful to better understand Planning and Zoning in Florida. See Appendix F for complete descriptions.

American Planning Association (APA). [https://planning-org-uploaded-media.s3.amazonaws.com/documents/Member Approved Legislative Platform 9.11.18.pdf](https://planning-org-uploaded-media.s3.amazonaws.com/documents/Member+Approved+Legislative+Platform+9.11.18.pdf).

Florida Planning and Zoning Association (FPZA). <https://www.fpza.org/>

Chapter 2 - Board Member Roles and Responsibilities

Board Member Roles

Planning & Zoning Board members play a vital role in ensuring that land use decisions are fair, consistent, legally defensible, and aligned with the City's long-term vision. Members of the Board perform three different roles: the role of planner, legislature, and quasi-judicial decision maker.³

Planner: Board members serve as a steward of the community's long-term vision and recommend amendments to the City's Comprehensive Plan's policies and goals.

Legislator: Board members recommend the adoption, amendment, or repeal of laws in the City's Code of Ordinances.

Quasi-Judicial Decision-Maker: Board members fairly and impartially apply the City's adopted laws and regulations to the facts of a particular application to determine whether the applicable legal standards have been met. In a quasi-judicial proceeding, the Board member acts as a "local public official."

Each role is governed by different legal standards and procedures. Understanding which role the Board is performing is essential to making fair, consistent, and legally defensible recommendations.

Planner

In the role of the local planning agency, Board members serve as a steward of the community's long-term future by developing the Comprehensive Plan. Board members' role is to ensure these goals and policies reflect the Florida legislature goals and policies for the Florida Keys, and provide a clear, consistent framework to guide future growth and development.⁴

Local Planning Agency – Comprehensive Plan: The Planning & Zoning Board is designated as the Local Planning Agency responsible for developing the Comprehensive Plan as required by Chapter 163, Florida Statutes. KCB Ordinance, § 101-185(8)(a).

Legislator

In their role as legislators, Board members comply with Florida status and the City's Citizen Participation Plan when monitoring and recommend amendments to the Comprehensive Plan. The Board also reviews and makes recommendations to all proposed amendments to the Land Development Regulations.

³ Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993).

⁴ F.S. 163.3202(1). Within 1 year after submission of its comprehensive plan or revised comprehensive plan for review pursuant to s. 163.3191, each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

Local Planning Agency – Comprehensive Plan Monitoring and Amendments: As the Local Planning Agency, the Board shall comply with Chapter 163, Florida Statutes, the City's Citizen Participation Plan, and Appendix B of the 1990 Comprehensive Plan when monitoring and amending the Comprehensive Plan. KCB Ordinance, § 101-185(8)(b).

Amendments to the Land Development Regulations: The Board reviews all proposed amendments to this chapter pursuant to § 101-172 and, after a public hearing, makes recommendations to the City Commission. KCB Ordinance, § 101-185(7)(c).

Quasi-Judicial Decision-Maker

Board members' sole responsibility is to determine whether the applicant has presented competent, substantial evidence demonstrating compliance with the legal standards governing the application.

Board Member Responsibilities

A Planning and Zoning Board member has two fundamental responsibilities: planning for the community's future and fairly administering its adopted land-use laws.

Planning Responsibilities. The Board serves as the City's Local Planning Agency and helps guide the community's long-term development. Its responsibilities include reviewing and monitoring the Comprehensive Plan, evaluating proposed amendments, reviewing land development regulations for consistency with the Plan, considering changing community conditions and future needs, and making recommendations to the City Commission. See Fla. Stat. § 163.3174(4). Planning requires members to look beyond individual applications and consider the long-term effects of land-use decisions on community character, infrastructure, natural resources, resilience, property rights, and the community's adopted vision.

Zoning and Application Review. When reviewing variances, site-specific development applications, and other quasi-judicial matters, the Board's responsibility is not to decide whether members personally favor a proposal. Members must identify the governing legal standards, fairly evaluate the evidence presented, determine whether the required criteria have been satisfied, and make recommendations supported by competent substantial evidence in the record.

Legislative Responsibilities. When considering proposed ordinances, Comprehensive Plan amendments, or changes to land development regulations, the Board performs a broader planning and policy role. Members should consider whether proposed changes are lawful, consistent with the Comprehensive Plan, further legitimate planning objectives, and serve the long-term interests of the community.

Fair and Consistent Decision-Making. Regardless of the type of matter, Board members should apply adopted laws and standards fairly and consistently, provide meaningful opportunities for public participation, ask questions when the record is incomplete, and conduct the public's business openly and impartially.

The Board therefore serves both as a **steward of the community's long-term vision and a guardian of fair, consistent land-use decision-making.** Its responsibility is not simply to react

to individual applications, but to help ensure that today's decisions support the community envisioned for the future.

Why Your Responsibilities Matter

Most Planning and Zoning Board decisions affect private property rights. Board members must therefore follow established legal procedures that protect applicants, neighboring property owners, and the public. Decisions made without following the required process may be challenged and overturned, even if the outcome appears reasonable.

Consistent application of the law reduces legal risk, promotes public confidence, and helps the City demonstrate compliance with state and federal planning requirements that may be conditions of grant programs.

Public confidence depends on Board members making recommendations free from bias or outside influence. Similar cases should be decided similarly, and any departure from established regulations must be authorized by law—not personal preference.

By faithfully applying the law and protecting due process, Board members safeguard private property rights, preserve public trust, and help ensure that recommendations are fair, consistent, and legally defensible.

Understanding the Legal Planning and Zoning Framework

Board members should become familiar with the City's:

- Comprehensive Plan
- Land Development Regulations
- Code of Ordinances

These documents establish the legal framework governing the Board's authority and land use decisions. The Comprehensive Plan establishes the City's long-term vision. The Land Development Regulations and Code of Ordinances implement that vision. The Board's responsibility is to apply those regulations fairly and consistently—not create new policy.

Planning does not prevent change—it guides change consistent with the community's adopted vision.

Florida's planning system is built on consistency:

- The Comprehensive Plan should be internally consistent.
- The Land Development Regulations should be consistent with the Comprehensive Plan.
- Development approvals should be consistent with both.

Consistent decisions improve fairness, predictability, and the City's legal position.

Regulations should always be read as a whole. Definitions, cross-references, exceptions, and related provisions often affect the interpretation of an individual section. Board members should review the applicable provisions of the Comprehensive Plan, Land Development Regulations,

Code of Ordinances, and applicable County and State requirements before making a recommendation.

Although the Board evaluates individual applications one at a time, every decision contributes to the long-term effects on the community. Board members should remain mindful that recommendations made today may influence future applications, establish expectations for other property owners, and affect the consistent administration of the City's regulations. Applying the adopted standards consistently helps ensure fairness, predictability, and public confidence in the planning process.

Preparing for Hearings

Every public hearing should be conducted in a manner that is fair, orderly, transparent, and consistent with Florida law. Whether the Board is considering a legislative matter or a quasi-judicial application, following an organized hearing process helps ensure that everyone has an opportunity to be heard and that recommendations are based upon the applicable law and the evidence presented.

A well-conducted hearing protects the rights of applicants, neighboring property owners, and the public while creating a clear record for the City Commission and, if necessary, the courts.

Before the hearing, Board members should review:

- the meeting agenda;
- the staff report;
- the application and supporting documents;
- the applicable provisions of the Comprehensive Plan; the Land Development Regulations; and the Code of Ordinances; and
- any other materials included in the Board packet.

Board members should identify the type of application being considered, determine the applicable legal standards, and prepare questions that may assist in understanding the evidence presented during the hearing.

Is this a legislative matter or a quasi-judicial matter?

During the hearing, Board members should listen carefully to testimony, ask questions necessary to clarify the facts and applicable legal standards, and base recommendations solely on the evidence presented and the governing law.

The purpose of the hearing is to develop a complete and reliable record upon which the Board can base its recommendation. Evidence typically includes:

- the staff presentation;
- testimony from the applicant;
- expert testimony;
- photographs, maps, surveys, and plans;
- public testimony; and
- other information relevant to the applicable legal standards.

Board members should focus on information that is relevant to the legal issues before the Board and avoid consideration of information outside the record.

Board members are encouraged to ask questions throughout the hearing whenever clarification is needed. Questions should help determine:

- what legal standards apply;
- whether the applicant has met the burden of proof;
- how the evidence relates to the applicable criteria;
- whether additional information is needed before making a recommendation.

Questions should seek facts and clarification rather than advocate for or against a particular outcome.

Professional Responsibilities

Serving on the Board carries important legal and ethical responsibilities.

Board members should:

- remain impartial;
- avoid conflicts of interest;
- comply with due process;
- disclose ex parte communications;
- comply with the Florida Sunshine Law and Open Meeting Laws;
- comply with Public Records Law;
- avoid prejudging applications;
- approach every matter with an open mind.

Applicants are entitled to have their requests evaluated using the applicable legal standards. Neighboring property owners are entitled to participate in the process and have their concerns considered. The public is entitled to confidence that land use decisions are based on adopted laws rather than personal preferences.

Board members serve the public—not personal interests. They should avoid both actual conflicts of interest and the appearance of impropriety.

Working with City Staff

City staff are an important resource for understanding application materials and applicable regulations. Procedural and administrative questions should be directed to staff.

The City Attorney advises whether an application or ordinance is legally permissible, identifies conflicts with state or federal law, drafts ordinances, and advises the Commission regarding legal risk.

Board members are not expected to act as lawyers. However, they should not knowingly recommend action they believe to be unlawful. If legal concerns arise, Board members should:

1. Request that the legal basis be explained.

2. Request additional legal analysis if necessary.
3. Vote accordingly if concerns remain unresolved.

Communication

Board members may communicate with applicants, staff, other Board members, and members of the public only as permitted by Florida law.

Communications regarding pending applications, Sunshine Law requirements, ex parte communications, and public records are discussed in later chapters.

Chapter 3 – Legal Framework

Why the Legal Framework Matters

Unlike most volunteer boards, the Planning and Zoning Board operates within a comprehensive legal structure established by federal, state, county, and local law. This legal framework establishes the Board's authority, defines its responsibilities, identifies the procedures that must be followed, and provides the standards governing land use decisions. Planning and Zoning Boards exercise only those responsibilities expressly delegated to them by the law.

Serving on the Planning and Zoning Board carries important legal responsibilities. Understanding these legal responsibilities helps Board members make fair, consistent, and legally defensible recommendations while maintaining public confidence and protecting the rights of applicants, neighboring property owners, and the community, and preserves the community character.

Recommendations based on personal preference rather than adopted law and procedures may increase the risk of inconsistent decisions, unfair treatment of citizens, failure to preserve community vision and character, legal challenges, compromised grant funding, and public distrust.

Florida Law and Governing Documents

Florida law requires municipalities to adopt policies for future growth and development, and to protect the public health, safety, and welfare. These policies are documented in the City's Comprehensive Plan (Comp Plan).⁵ Florida law also requires municipalities to adopt and enforce regulations that implement the Comprehensive Plan. These regulations are documented in the City's Land Development Regulations (LDRs).⁶ The city's Code of Ordinances (Code) contain all municipal laws. Each governing document serves a different purpose and is required to be consistent with the other documents.

Florida Keys Area of Critical State Concern

Key Colony Beach is located within the Florida Keys Area of Critical State Concern (ACSC), a designation established by the Florida Legislature to protect natural, environmental, historical, and other resources of statewide significance. Florida law requires the City's Comprehensive Plan to coordinate with rules governing Areas of Critical State Concern and other applicable state planning requirements.⁷

⁵ Florida Planning Officials Handbook, p. I-8. <https://www.miamisprings-fl.gov/media/68826?>

⁶ Florida Planning Officials Handbook, pp. I-9, 10. <https://www.miamisprings-fl.gov/media/68826?> ; F.S. 163.3202(1). Land development regulations. Within 1 year after submission of its comprehensive plan or revised comprehensive plan for review pursuant to s. 163.3191, each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

⁷ Legal Authority

- § 163.3177(4), Fla. Stat. – Requires local comprehensive plans to coordinate with adjacent jurisdictions and rules governing Areas of Critical State Concern.

Because of this designation, planning decisions must consider both local and statewide interests. The Principles for Guiding Development for the Florida Keys emphasize:

- Protection of coastal and marine resources
- Water quality
- Hurricane evacuation
- Public infrastructure capacity
- Sustainable growth
- Preservation of community character

Accordingly, the Comprehensive Plan must be consistent with applicable state planning requirements, including the Principles for Guiding Development. The Land Development Regulations must implement the Comprehensive Plan and protect the resources identified by state law.

Because state agencies review certain Comprehensive Plan amendments, Board recommendations should be consistent with both local planning objectives and applicable state law.

County Law - Coordination with Monroe County

Florida law requires the City's Comprehensive Plan to coordinate with Monroe County's Comprehensive Plan and other regional planning efforts.⁸ Although Key Colony Beach is an incorporated municipality with its own Comprehensive Plan, Land Development Regulations, and Code of Ordinances, planning decisions must be coordinated with Monroe County on regional issues such as hurricane evacuation, transportation, public infrastructure, and the Florida Keys Area of Critical State Concern. This coordination promotes consistency among local governments while allowing the City to retain authority over consistent land use decisions within its municipal boundaries.

Local Law

The section below “Governing Documents – City’s Roadmap” provides the local laws Board members will consult when making decisions.

Governing Documents – City’s Roadmap

Laws governing recommendations made by Board members can be found at the State, County, and City level.

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- §§ 380.0552 and 380.0552(9), Fla. Stat. – Establish the Florida Keys Area of Critical State Concern and the Principles for Guiding Development that local governments must implement through their comprehensive plans and land development regulations.
 - Rule 28-29, Florida Administrative Code – Implements the state review process for plans and amendments within the Florida Keys Area of Critical State Concern.

⁸ **Legal Authority.** Section **163.3177(4), Florida Statutes**, requires local comprehensive plans to coordinate with adjacent municipalities, the county, the region, and rules governing Areas of Critical State Concern.

- Florida establishes the legal framework governing planning for all cities and counties.
- Monroe County adopts countywide planning provisions and regulations consistent with the State rules.
- Key Colony Beach adopts local planning provisions and regulations consistent with the State and County rules.

City Documents

Three (3) key documents contain Key Colony Beach’s policies, regulations, and laws:

- Comprehensive Plan (Comp Plan) – goals and policies
- Land Use Regulations (LDRs) – land use regulations
- Code of Ordinances (Code) –municipal laws

Each governing document serves a different purpose, and related provisions are required to be consistent across all documents.

Document	Purpose	Legal Relationship
Comprehensive Plan (Comp Plan)	Define the policies the City must adopt to guide growth in compliance with Florida law.	The City's "constitution" for land use. All development regulations must be consistent with it. (Fla. Stat. Ch. 163, Part II).
Land Development Regulations (LDRs)	Implements the Comprehensive Plan policies into enforceable standards and procedures governing land use development.	Must be consistent with and implement the Comprehensive Plan. (§ 163.3202, Fla. Stat.)
Code of Ordinances (Code)	Provide all the City’s laws – land use (LDRs) and municipal operation.	The Code is the City's complete body of local law. Must be consistent with Comp Plan and LDRs.

These documents are intended to work together. When evaluating a legislative change, Board members should consider applicable provisions in all documents rather than relying on a single section in isolation. Every land use recommendation should be consistent with the Comprehensive Plan, Land Development Regulations, and applicable provisions of the Code of Ordinances.

Components of these documents include:

Comprehensive Plan –policies for land use, transportation, housing, infrastructure, conservation, coastal management, etc.

Land Development Regulations – defining zoning districts, permitted uses, setbacks, variances, subdivisions, environmental standards, parking, landscaping, signs, development review procedures, etc.

Code of Ordinances –all local laws, including LDRs, as well as ordinances governing the City's organization, administration, utilities, finance, public safety, and other municipal functions.

Monroe County Documents

xxx

Florida State Documents

xxx

Why Public Participation is Important

Public participation is an essential part of effective planning and execution of the City's plan. The City's Citizen Participation Plan encourages residents, property owners, businesses, and other interested parties to participate before significant legislative decisions are made. Through public hearings and other opportunities for citizen involvement, the Board receives input from residents, property owners, businesses, and other interested parties before making legislative recommendations.

Public participation is an important part of every hearing. Applicants, neighboring property owners, and interested members of the public should be provided a reasonable opportunity to present testimony relevant to the matter under consideration. During quasi-judicial hearings, testimony should relate to the applicable legal standards rather than personal preferences or generalized opinions. Board members should respectfully listen to all participants while evaluating the relevance and weight of the information presented.

Why xxx it is important –

Looking Beyond Individual Applications

Although many applications focus on a single property, Board members should recognize that individual decisions collectively shape the future of the community. Board members should determine that the decision is fair to the community, and consistent with the community planning documents. Consistent application of the Comprehensive Plan promotes predictable development patterns, protects property rights, and supports the City's long-term vision.

Chapter 4 -Types of Applications

Application Types

Planning and Zoning Board members generally evaluate two different types of applications - legislative and quasi-judicial. A third type of application is processed by the City, but is administrative and does not generally require Board action unless there is an appeal. A description of each type of application follows:

Administrative applications involve requests that can be approved by City staff because they satisfy objective requirements established by the Code and Land Development Regulations. These applications generally do not require Board action unless an appeal is filed as a result of the City's decision.

Legislative applications involve changes to the City's laws, such as amendments to the Comprehensive Plan, Code of Ordinances, or Land Development Regulations. In these matters, the Board considers broader planning and public policy issues and makes recommendations to the City Commission.

Quasi-judicial applications involve applying existing regulations to a specific property. The Board's responsibility is not to decide what the law should be, but whether the applicant has met the legal standards. These proceedings require notice, an impartial hearing, due process protections, competent substantial evidence, and findings based on the applicable regulations.

Why the Type of Application Matters

The type of application determines the Board's role, the applicable legal standard, and the evidence needed to support a decision. Applying the wrong standard can result in unfair application of the law and resulting consequences which may include loss of public trust, community division, and legally defective decisions which may expose the City to unnecessary litigation.

Chapter 5 - Planning

What is Planning

Planning is the process of identifying the community's long-term vision and determining how the city should grow and develop. Rather than reacting to individual development proposals, planning establishes the goals, policies, and strategies needed to guide future growth and achieve that vision. In essence, Planning provides a consistent framework for future growth and development.

Why is Planning Necessary

Planning is necessary to prepare for the future by establishing a long-term vision and ensuring that today's decisions support that vision. It protects property values, preserves community character, coordinates infrastructure, conserves natural resources, and promotes orderly and predictable development.

What are the Legal Requirements (xxx needs work)

- Comprehensive Plan including capital budget, LDRs
- Coordination with other entities
- Area of Critical State Concern

Hierarchy

Governing Documents

Comp (includes capital xxx)

LDR

Ordinance

What is the Board's Role in Planning

Planning is an important responsibility of the Board. The Board acts as the City's **Local Planning Agency**. Florida law requires every local government to designate a **Local Planning Agency (LPA)** responsible for preparing, monitoring, and evaluating the Comprehensive Plan. Key Colony Beach has designated the Planning and Zoning Board as its Local Planning Agency.⁹ As the Local Planning Agency, the Board serves as a steward of the community's long-term vision by:

- Monitoring the effectiveness of the Comprehensive Plan¹⁰.

⁹ **Local Planning Agency – Comprehensive Plan:** The Planning & Zoning Board is designated as the Local Planning Agency responsible for developing the Comprehensive Plan as required by Chapter 163, Florida Statutes. KCB Ordinance, § 101-185(8)(a).

¹⁰ **Local Planning Agency – Comprehensive Plan Monitoring and Amendments:** As the Local Planning Agency, the Board shall comply with Chapter 163, Florida Statutes, the City's Citizen Participation Plan, and Appendix B of the 1990 Comprehensive Plan when monitoring and amending the Comprehensive Plan. KCB Ordinance, § 101-185(8)(b).

- Recommending amendments to the Comprehensive Plan¹¹.
- Recommending amendments to the Land Development Regulations¹².
- Recommending amendments to the Code of Ordinances.
- Conducting public hearings on planning matters.
- Advising the City Commission on long-range planning issues.

Consistency Review

Many applications require the Board to determine whether a proposal is consistent with the Comprehensive Plan. Consistency means that the application furthers and does not conflict with the goals, objectives, and policies established by the Comprehensive Plan. Board members should consider the Comprehensive Plan as a whole rather than relying upon a single policy in isolation.

¹¹ **Local Planning Agency – Comprehensive Plan Monitoring and Amendments:** As the Local Planning Agency, the Board shall comply with Chapter 163, Florida Statutes, the City's Citizen Participation Plan, and Appendix B of the 1990 Comprehensive Plan when monitoring and amending the Comprehensive Plan. KCB Ordinance, § 101-185(8)(b).

¹² **Amendments to the Land Development Regulations:** The Board reviews all proposed amendments to this chapter pursuant to § 101-172 and, after a public hearing, makes recommendations to the City Commission. KCB Ordinance, § 101-185(7)(c).

Chapter 6 - Legislative Amendments

What is a legislative amendment

Legislative amendments are changes to the City's Policies and Laws ((i.e. adopting a new sign ordinance, revising setback requirements citywide, changing building height regulations) to implement the goals and policies provided by Florida Law and the City's planning goals and policies.

Legislative matters generally fall into four categories:

- **Planning Policies** – Comprehensive Plan goals, objectives, and policies.
- **Growth and Community Planning** – Infrastructure, transportation, environmental protection, housing, economic development, and community character.
- **Land Development Regulations** – Zoning districts, permitted uses, development standards, and subdivision regulations.
- **Governance and Procedures** – Ordinances governing application procedures, planning procedures, public hearings, Board authority and procedures, and administrative processes.

These policies and regulations are contained in the Comprehensive Plan, Land Development Regulations, and Code of Ordinances.

What is the purpose of legislative amendments

The purpose of a legislative amendment is to improve the laws, regulations, and policies that guide the City's future growth, development, and governance. Unlike quasi-judicial proceedings, which determine whether an individual application satisfies existing legal standards, legislative proceedings determine what the legal standards should be.

Why are legislative amendments important

Ordinances establish the rules governing the community and shape its growth, character, and quality of life. Because changes can have long-term and unintended consequences, they should be based on careful research, planning, citizen input, and consideration of alternatives. What may seem beneficial in one situation can create unintended impacts for residents, property owners, businesses, public safety, the environment, or future development. Ordinances should reflect the community's long-term vision and should not be changed simply because an existing rule is inconvenient in one or two cases.

Why Carefully Drafted Legislative Recommendations Matter

Well-crafted ordinances that reflect a community's vision, values, and long-term objectives, generally require fewer revisions because they are based on careful planning and thoughtful review.

What is the Board's Role in Amending Legislation

The Planning and Zoning Board serves in an advisory capacity, reviewing proposed amendments and making recommendations to the City Commission, which has final legislative authority.

Legislative matters require the Board to consider **whether the City's law or policy should be changed**. Board members act as policymakers, considering sound planning principles, community needs, citizen input, and long-term impacts.

The Board's legislative responsibilities include recommending amendments to the:

- Comprehensive Plan
- Land Development Regulations
- Code of Ordinances affecting planning and development

Before recommending a change, Board members should understand why the existing regulation was adopted, whether its purpose remains valid, the problem the amendment is intended to solve, reasonable alternatives, and potential unintended consequences. The Board should be satisfied that the proposed amendment is lawful, consistent with the Comprehensive Plan and the community's long-term vision, and represents the best solution for the community as a whole.

To ensure that amendments are based on the proper reason and properly drafted, Board members should first identify the reason for the change (See "When Should Governing Documents Be Amended" below).

Community-wide regulations should not be changed simply because an existing rule creates an inconvenience in one or two situations. Legislative decisions can affect property rights, community character, infrastructure, environmental resources, and future development for years to come.

Careful legislative review promotes fairness, transparency, public confidence, and informed decision-making while protecting the interests of both current and future residents.

When Should Governing Documents Be Amended

Planning is an ongoing process. The Comprehensive Plan, Land Development Regulations, and Code of Ordinances are intended to evolve as the City's needs change. Amendments may be appropriate when:

- Florida law changes.
- Community priorities change.
- Existing regulations create unintended consequences.
- Development patterns change.
- Infrastructure needs change.
- Environmental conditions change.
- Better planning practices are identified.

What is the Process for Amending Governing Documents

Amendments to the Comprehensive Plan, Land Development Regulations, and Code of Ordinances follow a legislative process designed to ensure that proposed changes are carefully reviewed and that the public has an opportunity to participate. Although the procedures vary depending on the type of amendment, the process generally includes:

1. A proposed amendment is prepared by the City, the Planning and Zoning Board, or another authorized party.
2. City staff reviews the proposal and prepares recommendations.
3. The Planning and Zoning Board conducts one or more public hearings, receives public comment, evaluates the proposal, and makes a recommendation to the City Commission.
4. The City Commission conducts its own public hearing(s) and decides whether to adopt, modify, or deny the proposed amendment.
5. Certain Comprehensive Plan amendments are also subject to review by state agencies before final adoption.

What is a Legislative Proceeding

Legislative proceedings are the legal process used to adopt and amend policies, regulations, and ordinances in the Comprehensive Plan, Land Development Regulations, and Code of Ordinances.

What is the Purpose of a Legislative Proceeding

Legislative hearings provide citizens, property owners, businesses, and other interested parties an opportunity to participate in the development of public policy. Board members should encourage meaningful public participation, carefully consider differing viewpoints, and ask questions whenever clarification is needed.

How to Determine if an Amendment Should Be Recommended

Legislative decisions should consider the **community as a whole**, rather than focus on a single property, application, or circumstance. Board members should balance current needs with the City's long-term interests and consider how a proposed change fits within the City's overall planning framework. Recommendations should be based on:

Purpose – What problem is the change intended to solve?

Need – Is a legislative change actually necessary?

Fair and Consistent – Is it consistent with the Comprehensive Plan and other City regulations and policies? Does it establish fair and consistent standards for similarly situated properties;

Alternatives – Is there a better way to address the problem?

Community Impact – How will it affect property rights, community character, infrastructure, or the environment? Does it serve a broader public purpose and benefit the community as a whole?

Unintended Consequences – What other effects could the change create? Does it avoid conflicts, unintended consequences, or problems for future development?

Public Input – What concerns or information have citizens provided?

Long-Term Interest – Does the change advance the community’s long-term vision and best interests? Does it support the Comprehensive Plan and the City’s long-term vision;?

Because Key Colony Beach is located within the Florida Keys Area of Critical State Concern, legislative recommendations must also consider applicable Florida planning requirements and the Principles for Guiding Development.

Ordinances should not be changed solely to address an individual application or unique circumstance unless the change also serves a broader community purpose. Looking beyond individual situations helps maintain consistency, predictability, sound planning, and public confidence in the City’s land-use regulations.

Evidentiary Considerations

Unlike quasi-judicial decisions, legislative decisions are not limited to competent, substantial evidence. Board members may consider staff reports, planning studies, expert recommendations, public comments, infrastructure needs, environmental impacts, community priorities, and other relevant planning information. Because Key Colony Beach is located within the **Florida Keys Area of Critical State Concern**, recommendations must also consider applicable state planning requirements and the Principles for Guiding Development.

Standard of Review

Legislative decisions involve policy judgments rather than the application of existing law to a particular property. Consequently, courts generally review legislative decisions under the **fairly debatable** standard. Courts generally will not overturn a legislative decision simply because people disagree with it. If the decision is reasonable and serves a legitimate public purpose, it will usually be upheld.

Example - Legislative Application

An example of this type of proceeding:

The legal standards provide that the setback from the side yard for pools must be 10 feet. A proposal is made to change the City Ordinance for the side setback for pools from 10 feet to 5 feet, which then applies to everyone. The Board is not deciding whether one owner deserves relief. Instead, the Board is deciding whether this rule should apply to all property in the future.

Legislative Decision Checklist – Legal Authority

The table below identifies primary legal authority or planning guidance supporting the legislative decision checklist. Editorial Note: This table distinguishes between requirements grounded in Florida law and generally accepted planning practices. Both contribute to thoughtful and legally defensible legislative recommendations.

Checklist Item	Primary Legal Authority / Basis
Review the Comprehensive Plan	§§ 163.3194 and 163.3202, Florida Statutes – Development regulations and decisions should be consistent with the Comprehensive Plan.
Confirm Legal Authority	§ 163.3177, Florida Statutes – Comprehensive Plan requirements; applicable local ordinances and ACSC requirements.
Evaluate the Public Interest	Chapters 163 and 187, Florida Statutes – Planning promotes the public health, safety, and welfare.
Assess Community Impacts	§ 163.3177, Florida Statutes – Requires planning for land use, transportation, infrastructure, conservation, housing, coastal management, and related impacts.
Consider Long-Term Consequences	§ 163.3177, Florida Statutes – Comprehensive planning is a long-range planning process.
Review Supporting Information	§ 163.3177, Florida Statutes; Florida Planning Officials Handbook – Planning should be informed by studies, surveys, and technical analysis.
Consider Public Input	§ 163.3181, Florida Statutes – Encourages meaningful public participation in planning.
Exercise Independent Judgment	Board of County Commissioners of Brevard County v. Snyder, 627 So.2d 469 (Fla. 1993) – Legislative decisions receive 'fairly debatable' judicial review.
Best Planning Practices	Considering alternatives, comparable communities, and unintended consequences are recognized planning practices rather than express statutory requirements.

Chapter 7 - Quasi-Judicial Application

Understanding Quasi-Judicial Applications

What is a Quasi-Judicial Application

A quasi-judicial application is when an individual property owner requests an exception to the City's laws, or when an individual property owner asks the Board to determine whether conditions imposed by the City's laws have been met.

Unlike a legislative hearing which establishes public policy and laws, a quasi-judicial decision determines whether an individual property owner has satisfied the legal standards established by the City's adopted laws to use the property in violation of the law¹³.

Because the process used to arrive at a decision have some of the elements of a judicial or court proceeding, they are referred to as "quasi-judicial."

What Types of applications are Quasi-Judicial

The most common quasi-judicial requests are for variances, special exceptions, conditional uses, and site plans. On rare occasion, an appeal may be considered. Each type of application is governed by its own legal criteria, and the Board must evaluate every request against the standard that applies to it, not personal preference.

- **Appeals** from administrative decisions.
- **Special exceptions and conditional uses** involve uses that may be permitted if the applicant satisfies the conditions established by ordinance.
- **Site plan review** determines whether a proposed development complies with the City's adopted development standards.
- **Variances** request relief from a specific development regulation based on legal the standards.

A comparison of the different types of hearings for each application is provided below:

¹³ Florida Supreme Court, Board of County Commissioners of Brevard County v. Snyder.

Hearing Type	Purpose	Legal Standard	Typical Evidence
Variance	Allows relief from a specific zoning regulation because of unique hardship.	Applicant must satisfy all variance criteria in the ordinance.	Surveys, site plans, hardship evidence, expert testimony.
Special Exception	Allows a use specifically listed in the zoning code if certain conditions are met.	Applicant must show compliance with the ordinance's criteria for the special exception.	Traffic, noise, compatibility, expert reports.
Conditional Use Permit	Similar to a special exception, but allows the government to impose project-specific conditions to mitigate impacts.	Applicant must satisfy ordinance standards; conditions must be reasonable and related to the project.	Operational plans, engineering, landscaping, traffic, environmental evidence.
Appeal from Administrative Decision	Reviews whether a zoning official correctly interpreted or applied the code.	Board reviews whether the official correctly applied the law; generally not a new application.	Staff record, ordinance interpretation, legal arguments.
Site-Specific Development Approval	Approval of a particular development proposal under adopted land development regulations.	Must comply with objective standards in the code; not a policy decision.	Site plans, engineering, drainage, landscaping, environmental compliance.

What is the Board's Role

Board members are “Local Public Officials”

Board members are considered to be acting as a “local public official,” when they recommend or take quasi-judicial action.¹⁴ As local public officials, Board members are subject to Florida laws governing:

- Open Government (Sunshine Law)
- Public Records
- Ethics
- Conflicts of Interest
- Due Process
- Quasi-Judicial Proceedings

Board members should become familiar with these responsibilities before participating in public hearings.

Board members are “Fact-Finders”

In a quasi-judicial proceeding, the Board applies existing law to the facts of a specific application. Board members serve as fact-finders, determining what facts have been established by the evidence and whether those facts satisfy the applicable legal standards.

¹⁴ The KCB ordinance does not define “local public officials” and instead references Florida Statute, F.S. § 286.0115(1)(b) which provides: “As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.”

What are the Board's Responsibilities

The Board's responsibility is to determine whether an applicant has demonstrated compliance with the applicable legal standards governing the request. Depending on the type of application, the Board is required to determine whether the applicant has satisfied the conditions established by the City's regulations, or has established a legal basis for an exception to the regulations.

When acting in a quasi-judicial capacity, Board members must apply the law as written to the facts of a specific application. Recommendations must be based on the applicable legal standards and the competent, substantial evidence contained in the hearing record—not on personal opinions, public sentiment, political considerations, or whether a Board member personally believes the request is reasonable. Every applicant and affected property owner is entitled to a fair and impartial hearing and the consistent application of the law.¹⁵

Every quasi-judicial hearing should begin with the goal of answering one question.

Has the applicant demonstrated compliance with the legal standards established by the City's ordinance(s) with competent, substantial evidence?

Keeping the discussion focused on that question helps ensure recommendations are fair, consistent, legally defensible, and preserve the integrity of the City's planning process.

The analytical process used by courts, and recommended for Board deliberation requires the following:

1. Evidence
2. Findings of Fact (What facts did the Board determine?)
3. Conclusions of Law (Do those facts satisfy the legal standards?)
4. Recommendation

Board members should approach every hearing with an open mind and conduct themselves with fairness, impartiality, integrity, and professionalism. In carrying out their responsibilities, Board members should:

- remain impartial throughout the proceeding;
- avoid conflicts of interest;
- comply with the Sunshine Law and Public Records Law;
- disclose ex parte communications;
- avoid prejudging the application; and
- base their recommendations solely on the governing law and the evidence contained in the hearing record.

The Board's credibility depends on public confidence that its recommendations are based on the law and the evidence—not personal preference or outside influence.

¹⁵ "Independence and the Rule of Law," The Florida Bar (July/August 2026). "The rule of law is the framework that holds all of us accountable to laws that are publicly issued, evenly enforced, and independently adjudicated."
<https://www.floridabar.org/the-florida-bar-journal/independence-and-the-rule-of-law>

Findings of Fact and Conclusions of Law

What are Findings of Fact

In order to determine if the legal standard has been met, board members must determine the unique set of facts that apply to the property. These facts are referred to as “Findings of Fact.”

Findings of Fact explain how the evidence supports the decision.¹⁶ A finding of fact is not a conclusion. For example:

- **Finding of Fact:** "The evidence established that the existing lot is **uniquely** constrained by a protected wetland and cannot reasonably accommodate a conforming structure."
- **Conclusion of Law:** "Because the applicant satisfied the hardship criterion by establishing unique conditions of their property not contemplated in the regulation, Section 101-171, the variance criterion is met."

This distinction is one of the most important concepts for new Board members to understand. The Board first determines **what conditions exist** (findings of fact), then determines **what the law requires** (conclusions of law), and finally makes its recommendation based on both.

What are Conclusions of Law

Conclusions of law are the Board's determination of whether the facts established during the hearing satisfy the applicable legal standards. After making findings of fact, the Board applies the governing ordinance to those facts and determines whether each required legal criterion has—or has not—been met.

A conclusion of law answers the question:

Do the facts satisfy the legal requirements for approval?

Unlike findings of fact which determine what the evidence established, conclusions of law determine what the law requires.

Every required legal criterion should have a corresponding conclusion of law explaining whether the applicant has—or has not—met that criterion. The Board's recommendation should be based on those conclusions.

Why Findings of Fact and Conclusions of Law are Important

Findings of fact are one of the most important components of a quasi-judicial decision because they demonstrate **how the Board applied the law to the evidence**. They **provide the factual basis** for the Board's recommendation. Findings of fact explain what facts the Board determined to be true based on the evidence presented during the hearing. They bridge the gap between the evidence and the Board's recommendation by showing how the evidence satisfies—or fails to satisfy—the applicable legal standards.

Well-supported findings of fact are important because they:

¹⁶ City of Deerfield Beach v. Vaillant, 419 So. 2d 624 (Fla. 1982)

- Demonstrate that the Board **based its recommendation on the evidence** rather than personal opinions or public sentiment.
- Show how each required legal standard was **applied to the facts** of the case.

Without clear findings of fact, it may be difficult to determine whether the Board properly applied the law or whether its recommendation is supported by competent, substantial evidence.

Conclusions of law are also important because they explain **how the Board applied the applicable legal standards to the facts established during the hearing**. They connect the Board's findings of fact to its recommendation and demonstrate that the Board **applied the correct legal standards** rather than personal opinions or preferences.

Well-reasoned conclusions of law are important because they:

- Demonstrate that the Board applied the correct legal standards.
- Explain how the findings of fact satisfy—or fail to satisfy—**each required legal criterion**.
- Create a **clear legal basis** for the Board's recommendation.

Without clear conclusions of law, it may be difficult to determine whether the Board correctly applied the City's ordinances, even when the factual findings are supported by competent, substantial evidence.

A complete, competent record with findings of facts and conclusions of law are important because they:

- Create a transparent and complete record for review by citizens, the City Commission, or a court.
- Promote transparency, accountability, and public trust by creating a complete record.
- Promote consistency by ensuring similar applications are evaluated under the same process.
- Help citizens, the City Commission, and reviewing courts understand the reasoning supporting the recommendation.
- Strengthen the legal defensibility of the Board's recommendation.

Reviewing and Recommending applications for development permits, variance, and appeals.

Key Colony Beach Ordinance Sec. 101-185 defines the Board's responsibilities. The Board is responsible for reviewing and making recommendations regarding site development permits:

Development Permits: Reviews subdivision plats, site plans, and related impact reports, and furnishes the City Commission with a detailed written report and recommendation. KCB Ordinance, § 101-185(7)(d).

The Board is responsible for reviewing and making recommendations regarding variances and appeals:

Variances and Appeals: Reviews and makes recommendations on variances pursuant to § 101-171 and appeals of City development staff decisions pursuant to §101-170. KCB Ordinance, § 101-185(7)(f).

The board is not responsible for code enforcement:

Code Enforcement: Code enforcement is not the responsibility of the Planning & Zoning Board. KCB Ordinance, § 101-185(7)(h).

Apply the Law Consistently

Board members have a duty to apply the law consistently. Similar properties must be treated similarly. Consistent application of the law protects property rights, promotes public trust and confidence, and helps ensure that the Board's decisions are legally defensible.

Base Recommendations Only On Competent, Substantial Evidence in the Record

Board members have a duty to base their recommendations only on competent, substantial evidence in the Record. The Board must support their findings with competent substantial evidence, and only evidence contained in the record.

Determine whether the applicant has met the applicable legal standards.

After all testimony has been received, the Board deliberates by discussing the evidence presented and the applicable law. Recommendations should clearly explain how the evidence does—or does not—support each required finding. Well-reasoned findings assist the City Commission, strengthen the Board's recommendation, and create a clear, legally defensible record if the decision is later reviewed.

Produce Legally Defensible Written Record

Because quasi-judicial decisions may be reviewed by the City Commission or a court, the official record is critical. To create a defensible record, the Board should clearly state its findings of fact and conclusion of law, and its recommendation identifying the governing legal standards, summarizing the competent, substantial evidence with cites to the record, and explain how the evidence supports its recommendation.

Conducting a Quasi-Judicial Hearing

What is a Quasi-Judicial Hearing

A quasi-judicial hearing is a formal public hearing conducted under procedures designed to ensure fairness and due process. During the hearing, the Board applies existing laws and regulations to the facts of a specific application to determine whether the applicant has met the legal standards required for approval or met the legal standards required for an exception to the law.

Applicants, neighboring property owners, and other interested parties are afforded an opportunity to present relevant evidence and testimony, respond to ex parte communications, and be heard before the Board makes its recommendation or decision.

What is the Purpose of a Quasi-Judicial Hearing

The purpose of a quasi-judicial hearing is to provide a fair and impartial process for determining whether a property owner (applicant) has demonstrated compliance with the legal standards governing a particular land use application. Depending on the type of application, the Board determines whether the property owner has:

1. satisfied the conditions required by law (e.g., a special exception, conditional use, site plan, subdivision), or
2. established a legal basis for an exception (variance).

Why are Quasi-Judicial Proceedings Important

The Planning and Zoning Board performs one of its most important functions when acting in a quasi-judicial capacity. Your responsibility is not to decide whether a proposal is desirable or whether you personally support it. Instead, you must determine whether the applicant has demonstrated compliance with the applicable legal standards based on the competent, substantial evidence presented during the hearing.

This responsibility requires fairness, impartiality, adherence to due process, and careful evaluation of the evidence. The integrity of the quasi-judicial process depends on every interested party having an equal opportunity to be heard and on Board members applying the law to the facts rather than personal opinions or preferences.

By applying the law consistently and treating all applicants fairly, you help ensure that the Board's recommendations are legally defensible and maintain the public's trust in the land use decision-making process.

What are the Steps in a Quasi-Judicial Hearing

A typical quasi-judicial hearing includes the following steps:

1. **Application Presented** – The applicant presents the request and explains how the applicable legal standards have been satisfied.
2. **Disclose** - Ex parte communication or Conflicts
3. **Evidence and Testimony Presented** – The Board receives testimony, exhibits, staff reports, expert opinions, and other competent evidence relevant to the application.
4. **Find the Facts** – The Board determines the relevant facts concerning the specific property and application based on the evidence presented.
5. **Apply the Law** – The Board applies the applicable legal standards to the facts established during the hearing.
6. **Deliberate**– Board members determine the facts and apply the law. The Board deliberates whether the applicant has demonstrated compliance with the applicable legal standards based solely on the evidence contained in the hearing record.
7. **Make Findings and Recommendation** – The Board adopts findings of fact, reaches legal conclusions, and recommends approval, approval with conditions, or denial.

8. **Written record** - prepares a legally defensible recommendation including the evidence relied upon and application of law which provides the basis for the Board's recommendation. Only evidence presented at the hearing can be relied upon.

What are the Legal Requirements

Due Process Requirements.

Land-use proceedings that are quasi-judicial in nature must provide procedural due process protections which include a fair hearing and the opportunity to challenge evidence presented to the decision-maker.¹⁷ In addition, every decision must be supported by substantial, competent evidence in the record -- sworn testimony, staff reports, surveys, photographs, site plans, and engineering reports all qualify. Personal opinion, speculation, and unsupported conclusions generally do not qualify as substantial, competent evidence.¹⁸

Due process is one of the fundamental principles governing quasi-judicial proceedings. Every interested party is entitled to:

- adequate notice of the hearing;
- a meaningful opportunity to be heard;
- disclosure of ex parte communications;
- an opportunity to respond to ex parte communications;
- an impartial decision-maker; and
- a recommendation based solely upon the record.

Ex Parte Communication Disclosure

What is Ex Parte Communication

Ex parte (pronounced *ex PAR-tay*) is a Latin term meaning "from one side only."

In local government, it means a communication about a pending quasi-judicial matter that occurs outside a public hearing. Specifically, it refers to any contact, conversation, or written communication about a pending quasi-judicial matter -- including site visits and expert opinions -- that occurs outside a public hearing between a member of the public and a Board member.

The City describes an Ex Parte communication 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. Planning and Zoning Agenda Packet (June 17, 2026).

¹⁷ See *Jennings v. Dade County*, 589 So. 2d 1337 (Fla. 3d DCA 1991).

¹⁸ See Florida Law, F.S. § 286.0115(2)(c).

What Must Be Disclosed.

Disclosure requires both the “identify of the person” as well as the “subject and substance” of the discussion.

“The subject and substance of any ex parte communication with a local public official representing the City of Key Colony Beach which relates to quasi-judicial action pending before the official, as well as the identity of the person, group or entity with whom the communication took place, is disclosed and made a part of the record before final action is taken on the matter.” **KCB Ordinance. Sec. 2-3(a)(1).**

Subject and substance disclosure includes both the general topic and the actual content:

The “subject” is the general topic or matter discussed. For example, subjects include “the proposed pool variance”, the “setback from the canal”, the “special exception application”, the “building height request.”

The “substance” is the actual content, position, facts, arguments, opinions, or information conveyed during the communication. For example, substance means “the neighbor expressed concern that chlorinated overflow could enter the environmentally protected canal water, neighbor opposed any reduction of the 10-foot setback.”

When Must Disclosure Occur.

Communication must be disclosed before or during the public meeting where the vote is taken on the matter.

"Disclosure made pursuant to **subparagraphs 1., 2., and 3.** must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication." KCB Ordinance. Sec. 2-3(a)(4).

Xxx add subparagraphs 1., 2., and 3

Persons with Contrary Opinions Must be Given An Opportunity to Respond to Ex Parte Communication.

After disclosure of an Ex Parte communication, persons who have opinions contrary to those expressed in the ex parte communication must be given a reasonable opportunity to refute or respond to the communication.

"Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, *so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.*") KCB Ordinance Sec. 2-3(a)(4). Florida Statute, 286.0115(c)(4).

Disclosure of Ex Parte Communication and allowing persons to express contrary opinions Protects Due Process Rights.

The ex parte communication shall not raise a presumption of prejudice, providing the disclosure occurs and adverse parties are given an opportunity to respond.

“Communications with local public officials. Communications with local public officials (as defined in F.S. § 286.0115(1)(b)), regarding quasi-judicial matters, including the adjudication of the rights of persons and the application of a general rule or policy to a specific individual, property, interest or activity shall be governed by the following procedure: Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official representing the City of Key Colony Beach the merits of any matter which action may be taken by any board, council or commission on which the local public official is a member. Such communication shall not raise any presumption of prejudice provided that the following process of disclosure occurs.” KCB Ordinance Sec. 2-3(a). F.S. § 286.0115.

"Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.") KCB Ordinance Sec. 2-3(a)(4). Florida Statute, 286.0115(c)(4).

Failure to allow persons to express contrary opinions means the statutory protection against prejudice may not apply.

“Communications with local public officials. Communications with local public officials (as defined in F.S. § 286.0115(1)(b)), regarding quasi-judicial matters, including the adjudication of the rights of persons and the application of a general rule or policy to a specific individual, property, interest or activity shall be governed by the following procedure: Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official representing the City of Key Colony Beach the merits of any matter which action may be taken by any board, council or commission on which the local public official is a member. Such communication shall not raise any presumption of prejudice provided that the following process of disclosure occurs.” KCB Ordinance Sec. 2-3(a). F.S. § 286.0115.

"Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.") KCB Ordinance Sec. 2-3(a)(4). Florida Statute, 286.0115(c)(4).

Florida Law on Communication with local public officials.

Florida Statute 286.0115. Access to local public officials; quasi-judicial proceedings on local government land use matters.¹⁹

“Communications with local public officials. Communications with local public officials (as defined in F.S. § 286.0115(1)(b)), regarding quasi-judicial matters, including the adjudication of the rights of persons and the application of a general rule or policy to a

¹⁹ Florida Statute, F.S. 286.0115. https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/0286.html

specific individual, property, interest or activity shall be governed by the following procedure: Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official representing the City of Key Colony Beach the merits of any matter which action may be taken by any board, council or commission on which the local public official is a member. Such communication shall not raise any presumption of prejudice provided that the following process of disclosure occurs." KCB Ordinance Sec. 2-3(a). F.S. § 286.0115.

Investigations and site visits.

As a local public official representing the City of Key Colony Beach, Board members may conduct investigations, make site visits and receive expert opinions regarding quasi-judicial action pending before him or her, provided that such activities and the existence of such investigations, site visits, or expert opinions is made a part of the record before final action is taken on the matter. KCB, Sec. 2-3(a)(3). Site visits should be limited to observing the property rather than gathering evidence or discussing the application with interested parties.

Citizens' Communication with Board Members

Citizens have the right to communicate with their local officials. Various parties can communicate with a Board Member on quasi-judicial matters outside a hearing, providing the disclosure process occurs.

"Communications with local public officials. Communications with local public officials (as defined in F.S. § 286.0115(1)(b)), regarding quasi-judicial matters, including the adjudication of the rights of persons and the application of a general rule or policy to a specific individual, property, interest or activity shall be governed by the following procedure: *Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official representing the City of Key Colony Beach the merits of any matter which action may be taken by any board, council or commission on which the local public official is a member.* Such communication shall not raise any presumption of prejudice *provided that the following process of disclosure occurs.*" KCB Ordinance Sec. 2-3(a). F.S. § 286.0115.

However, Board members should avoid discussing pending applications outside the hearing whenever practical, since doing so protects both the integrity of the process and public confidence in the Board's decisions.

To ensure transparency and avoid the need for disclosure altogether, Board members may simply encourage citizens to raise their comments at the public hearing and have their comments placed directly into the record.

Communication with other Board Members

Board members may not discuss pending matters with other members of the same board or commission outside a properly noticed public meeting. (legal authority???)

Written Communication

A Board member may read a written communication from any person, but if it relates to a pending quasi-judicial matter, it must be made part of the record before final action is taken. KCB Ordinance Sec. 2-3(a)(2).

A local public official representing the City of Key Colony Beach may read a written communication from any person; however, a written communication that relates to quasi-judicial action pending before such official shall be made a part of the record before final action is taken on the matter. KCB Ordinance Sec. 2-3(a)(2).

Any correspondence received by a Board Member must be forwarded to the Board Clerk.

“Similarly, any correspondence received by a Board Member must be forwarded to the Board Clerk.” Planning and Zoning Agenda Packet (June 17, 2026).

Rule of Law

The **rule of law** requires government officials, including Planning and Zoning members acting in a quasi-judicial capacity, to apply the law as written, equally to all persons, and base their decisions on the applicable legal standards and the evidence in the record—not on personal opinions, public pressure, or political considerations. Every applicant and neighboring property owner is entitled to a fair and impartial hearing and the consistent application of the law.²⁰

Deliberation

After all testimony is received, the Board begins its deliberations. Deliberations should focus on:

- the applicable legal standards;
- the evidence presented during the hearing;
- the credibility and weight of the evidence;
- the Findings of Facts;
- the Conclusions of Law;
- whether the applicant met the burden of proof; and
- the reasons supporting the Board’s recommendation.

Board members should avoid introducing new information during deliberations that was not presented as part of the public hearing.

Recommendations should clearly explain how the evidence supports—or fails to support—the applicable legal criteria. Well-reasoned findings create a clear record for the City Commission, provide transparency for applicants, neighboring property owners, and the public, and provide a legally defensible decision.

Burden of proof

The burden of proof rests with the applicant. The applicant must demonstrate through competent, substantial evidence, that the application satisfies the applicable legal standards. The Board does not prove or disprove the application; it determines whether the applicant has met the required legal standards based on the evidence in the record.

²⁰ “Independence and the Rule of Law,” The Florida Bar (July/August 2026). “The rule of law is the framework that holds all of us accountable to laws that are publicly issued, evenly enforced, and independently adjudicated.” https://www.floridabar.org/the-florida-bar-journal/independence-and-the-rule-of-law/?utm_source=chatgpt.com

Decisions Must Be Supported By Competent, Substantial Evidence

Florida Law requires that all decisions in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence.

“all decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters **must be supported by substantial, competent evidence** in the record pertinent to the proceeding.” Florida law, F.S. § 286.0115(2)(c).

Relevant evidence may include sworn testimony, staff reports, surveys, photographs, site plans, engineering reports, and other competent information. Personal opinions, speculation, or unsupported conclusions are generally not sufficient to support the findings required.

Only Evidence in the Record May Be Considered

Florida Law requires that decisions in a quasi-judicial proceeding on local government land use matters must be based only on evidence in the record.

“all decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent **evidence in the record** pertinent to the proceeding.” Florida law, F.S. § 286.0115(2)(c).

Motions and Recommendations

Following deliberations, the Board makes its recommendation through a motion. Every motion should clearly state:

- the recommended action;
- the legal and factual basis for the recommendation; and
- any conditions recommended by the Board.

Motions should reference the applicable ordinance or approval criteria supporting the recommendation. Clear motions assist the City Commission in understanding the Board's reasoning and contribute to a complete, legally defensible administrative record.

Written Findings

Well-written findings are an important part of the decision-making process. Findings should explain:

- the applicable legal standards;
- the evidence relied upon;
- the facts found by the Board; and
- how those facts support the recommendation.

A recommendation that clearly explains the Board's reasoning promotes transparency, demonstrates that the decision was based upon the governing law, and provides an understandable record for applicants, the City Commission, and the public.

How Courts Review Quasi-Judicial Decisions

Standard of review

Florida courts use a three-part test when reviewing quasi-judicial land use decisions²¹. *See* Appendix xxx:

1. Whether procedural due process was afforded;
2. Whether the essential requirements of law were observed; and
3. Whether the administrative findings and judgment are supported by competent, substantial evidence.

²¹ City of Deerfield Beach v. Vaillant, 419 So. 2d 624 (Fla. 1982).

Chapter 8 - Variances

What is a Variance

A variance is a request by an individual property owner to be granted an exception to the rules governing their property.

Why Variances Exist

No zoning ordinance can anticipate every conceivable property condition. On rare occasion, because of the unique characteristics of a particular parcel, strict application of a regulation would create an unnecessary hardship that was not intended when the regulation was adopted. The purpose of a variance is to provide limited relief in those *unusual situations* while preserving the integrity of the regulations for everyone else. Examples justifying approval of a variance:

Uniquely Shaped Lot: A pie-shaped or sharply tapering lot where literal enforcement of side or front setbacks prevents placement of a standard single-family home.

Topographical Obstacles: A deep ravine, rock outcropping, or protected wetland covering a major portion of an otherwise legal parcel, restricting placement of a home.

Platted Lot Anomalies: An undersized lot recorded before modern zoning codes were enacted, rendering standard compliance mathematically impossible to build a home.

The Board's Responsibility

The Board's responsibility is to determine whether the applicant has met the burden of proving compliance with each applicable variance criterion through competent, substantial evidence. Recommendations must be based on the law and the evidence in the record—not personal opinions or whether the requested change appears reasonable. The recommendation must be based solely on the applicable legal standards and the evidence presented during the hearing.

Decision Making

The question the Board member must answer is whether the law permits the member to recommend approval. A variance is the exception—not the rule. If variances become routine, the regulations themselves lose their meaning. The Planning & Zoning Board therefore serves as the guardian of the City's development standards by ensuring they only recommend variances that are truly exceptional and meet the variance criteria.

Each variance criterion should be evaluated independently. Findings of fact should address every criterion and explain how the evidence satisfies—or fails to satisfy—the applicable legal standard.

Variances cannot be granted unless all five (5) criteria are met.

Variance Criteria

All of the following five (5) criteria *must be met* to grant a variance:

- (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.

Key Colony Beach Ordinance, Sec. 101-171(5)(a))

The key characteristics are:

- Hardship is not self-created.
- Failure to grant will result in *unnecessary hardship*.
- Granting will not be contrary to the public interest.
- Granting *will not confer a special privilege* unavailable to similarly situated properties;
- Property has *unique or peculiar circumstances*, which apply to this property, but which *do not apply to other properties* in the same zoning district.

Hardship

The applicant must demonstrate a hardship arising from unique physical characteristics of the property and satisfy the legal standards established by the City's ordinances.

The hardship must arise from unique physical characteristics of the property and not from actions taken by the applicant, prior development decisions, personal preferences, financial considerations, or a desire to use the property in a manner prohibited by the zoning code. Variances are intended to relieve property-based hardships, not owner-created difficulties.

Examples that may support a variance include:

- An unusually shaped lot.
- Exceptional topography.
- Unique physical conditions not shared by neighboring properties. and
- Circumstances where strict application deprives the property of rights enjoyed by similarly situated properties.

Hardship Cannot Be Self-Created

Florida courts have consistently held that a variance should not be granted when the alleged hardship is self-created. A hardship resulting from the owner's actions, preferences, financial considerations, or development choices generally does not justify a variance. The hardship must arise from the property itself.

Examples of hardships generally considered self-created include:

- Constructing improvements without first verifying setback or height requirements, then requesting a variance.
- Designing a structure larger than can legally fit within the buildable area, then requesting a variance.
- Purchasing property knowing of the restriction and then claiming hardship, because of the known restriction.
- Seeking additional amenities (pool, garage, addition, dock, etc.) that will fit but owner wants to encroach on setbacks.

If the hardship criteria is overlooked and a variance is granted based on a self-created hardship, it may undermine the integrity of the ordinance by encouraging property owners to disregard applicable regulations and then seek relief from conditions resulting from their own actions, rewarding noncompliance and resulting in unequal application of the ordinance. Property owners who comply with the regulations should not be disadvantaged compared to those who disregard them and later seek a variance.

The Hearing

A variance hearing must comply with due process requirements, and follows a set sequence (xxx need to verify sequence).

- Ex parte disclosures
- Applicant presentation
- Staff presentation
- Public comments
- Hearing closed
- Board deliberates and votes
- Written record

See Variance Hearing Checklist, Appendix E

Example Variance Request

xxx

Chapter 9 -Site-Specific Development Review (Quasi-Judicial)

– in process -

The Board may also review site-specific development applications such as site plans, subdivision plats, or other development proposals assigned by the Code. These applications generally require the Board to determine whether the proposal complies with:

- the Comprehensive Plan;
- the Land Development Regulations;
- applicable provisions of the Code of Ordinances; and
- other applicable development standards.

Unlike variances, these applications typically do not seek relief from the regulations. Instead, the Board determines whether the proposal complies with the regulations as written.

Purpose

Many Planning & Zoning applications involve development of a specific parcel rather than changes to City ordinances. These applications require the Board to apply the City's adopted regulations to the facts presented for a particular property.

The Board's Role

The Board reviews site-specific applications to determine whether the proposal complies with the Comprehensive Plan, Land Development Regulations, Code of Ordinances, and other applicable laws. Recommendations should be based solely on the applicable legal standards and the evidence in the record.

Types of Site-Specific Applications

Depending on the City's regulations, site-specific applications may include site plans, development permits, special exceptions, conditional uses, appeals, waterfront improvements, and other development proposals requiring Board review.

Consistency Review

Each application should be reviewed for consistency with the Comprehensive Plan and compliance with the applicable Land Development Regulations and Code of Ordinances.

Evaluating the Evidence

Members should evaluate staff reports, application materials, plans, testimony, photographs, engineering reports, and other competent, substantial evidence. Questions should clarify the facts and applicable legal standards.

Conditions of Approval

When authorized by law, the Board may recommend reasonable conditions designed to ensure compliance with the applicable regulations or reduce potential impacts of a proposed development. Conditions should:

- relate directly to the application;
- be supported by the governing regulations;
- be reasonable;
- be clear enough to administer and enforce.

Conditions should never be used to avoid applying the legal standards or to compensate for an application's failure to satisfy the required approval criteria.

Written Findings

Recommendations should identify the governing regulations, summarize the relevant facts, and explain how those facts support the Board's recommendation.

The Hearing

Components

1. Application.
2. Public notice.
3. Staff report.
4. Applicant presentation.
5. Expert testimony.
6. Public testimony.
7. Rebuttal.
8. Board questions.
9. Deliberation.
10. Findings and vote.

Components

1. Complete application.
2. Public notice.
3. Staff report.
4. Applicant presentation.
5. Expert testimony.
6. Public testimony.
7. Rebuttal.
8. Board questions.
9. Deliberation.
10. Findings and vote.

Chapter 10 -The Comprehensive Plan—The City's Blueprint for the Future

Looking Beyond Individual Applications

The Comprehensive Plan is the City's long-range vision for future growth, development, and preservation. It establishes policies for land use, transportation, infrastructure, environmental protection, public facilities, housing, and coastal management.

Florida law requires the city's Land Development Regulations to be adopted, amended, and enforced consistently with the Comprehensive Plan. F.S. § 163.3202(1).

Why It Matters

Following the Comprehensive Plan promotes consistency and continuity by providing a long-term vision that extends beyond individual Boards and City Commissions. Even small land use decisions can have lasting effects. When reviewing an application, Board members should consider whether it is consistent with the City's adopted planning objectives.

Consistency

Florida's growth management system is built on consistency:

- The Comprehensive Plan should be internally consistent.
- The Land Development Regulations should be consistent with the Comprehensive Plan.
- Development approvals should be consistent with both.

Consistent decisions improve fairness, predictability, and the City's legal position.

Community Character

The Comprehensive Plan helps preserve the qualities that define Key Colony Beach, including its waterfront setting, neighborhood character, boating access, walkability, and relatively low-density development. Planning does not prevent change—it guides change consistent with the community's adopted vision.

The Board's Role

The Board applies the Land Development Regulations during quasi-judicial hearings—not personal opinions or preferred policies. If Board members believe an ordinance should be changed, that recommendation should be made through the legislative process. Existing regulations should not be reinterpreted or disregarded during an individual application.

Appendix A. Rules Governing the Planning & Zoning Board

The Board's organization, membership, meetings, duties, and responsibilities are established by Key Colony Beach Ordinance §101-185. Members should become familiar with these provisions, including attendance, meetings, records, Local Planning Agency responsibilities, variance recommendations, and ordinance amendment procedures:

Amendments to the Land Development Regulations: The Board reviews all proposed amendments to this chapter pursuant to § 101-172 and, after a public hearing, makes recommendations to the City Commission. KCB Ordinance, § 101-185(7)(c).

Attendance: If a member fails to attend two (2) of three (3) consecutive meetings without cause and without prior approval of the chair, the Board shall declare the member's office vacant. KCB Ordinance, § 101-185(3).

Budget: Presents an annual budget when the City prepares its budget. KCB Ordinance, §101-185(7)(b).

Code Enforcement: Code enforcement is not the responsibility of the Planning & Zoning Board. KCB Ordinance, § 101-185(7)(h).

Development Permits: Reviews subdivision plats, site plans, and related impact reports, and furnishes the City Commission with a detailed written report and recommendation. KCB Ordinance, § 101-185(7)(d).

Local Planning Agency – Comprehensive Plan: The Planning & Zoning Board is designated as the Local Planning Agency responsible for developing the Comprehensive Plan as required by Chapter 163, Florida Statutes. KCB Ordinance, § 101-185(8)(a).

Local Planning Agency – Comprehensive Plan Monitoring and Amendments: As the Local Planning Agency, the Board shall comply with Chapter 163, Florida Statutes, the City's Citizen Participation Plan, and Appendix B of the 1990 Comprehensive Plan when monitoring and amending the Comprehensive Plan. KCB Ordinance, § 101-185(8)(b).

Meetings: Holds regular monthly meetings unless there is no business to conduct, and meets at other times as directed by the chair or the City Commission. KCB Ordinance, §101-185(6).

Membership: Members and alternates may not be elected officials or City employees. KCB Ordinance, § 101-185(2).

Minutes: Minutes of all meetings shall be prepared and filed promptly with the City Clerk. KCB Ordinance, § 101-185(6).

Officers: Elects a chair, vice-chair, and secretary at the first meeting in May. Officers serve one-year terms or until their successors are elected. KCB Ordinance, § 101-185(5).

Qualifications: Members and alternates must be residents of the City. KCB Ordinance, §101-185(2).

Records: Maintains records of its findings and determinations, including recommendations on ordinance amendments and variance requests. KCB Ordinance, §101-185(7)(a).

Terms: Members serve staggered two-year terms. Three (3) members are appointed in odd-numbered years and two (2) members in even-numbered years. Terms expire no later than the second regular City Commission meeting in April. KCB Ordinance, § 101-185(4).

Variances and Appeals: Reviews and makes recommendations on variances pursuant to § 101-171 and appeals of City development staff decisions pursuant to §101-170. KCB Ordinance, § 101-185(7)(f).

Appendix B. Planning and Zoning Documents

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).

Planning and Zoning Packet. June 2026.

Appendix C. City and County Documents

KEY COLONY BEACH

Comprehensive Plan

Document provided by City of Key Colony Beach (2024-26 Edits)

Land Development Regulations, Supplement 14, Online content updated on April 8, 2026

LAND DEVELOPMENT REGULATIONS City of KEY COLONY BEACH, FLORIDA Codified through Ordinance No. 2025-507, adopted January 22, 2026. (Supp. No. 14)

https://library.municode.com/fl/key_colony_beach/codes/land_development_regulations

Code of Ordinances, Supplement 35, Online content updated on December 4, 2025

CODE OF ORDINANCES City of KEY COLONY BEACH, FLORIDA Codified through Ordinance No. 2025-506, enacted September 18, 2025. (Supp. No. 35)

https://library.municode.com/fl/key_colony_beach/codes/code_of_ordinances

MONROE COUNTY

Comprehensive Plan, Supplement 15, Online content updated on May 22, 2026

COMPREHENSIVE PLAN of MONROE COUNTY, FLORIDA Codified through Ordinance No. 029-2025, adopted December 10, 2025. (Supp. No. 15)

https://library.municode.com/fl/monroe_county/codes/comprehensive_plan

Land Development Code, Supplement 17, Online content updated on May 18, 2026

LAND DEVELOPMENT CODE of MONROE COUNTY, FLORIDA Codified through Ordinance No. 028-2025, enacted December 10, 2025. (Supp. No. 17)

https://library.municode.com/fl/monroe_county/codes/land_development_code

Code of Ordinances, Supplement 33 Update 1, Online content updated on May 26, 2026

CODE OF ORDINANCES of MONROE COUNTY, FLORIDA Codified through Ordinance No. 013-2026, enacted April 15, 2026. (Supp. No. 33, Update 1)

https://library.municode.com/fl/monroe_county/codes/code_of_ordinances

Appendix D. Statutes (City: Key Colony Beach)

Sec. 101-171. Variances.

Ord. No. 393-2007, 6-14-07; Ord. No. 2025-505, 3, 9-18-25

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 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. 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, 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 (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.

Sec. 101-185. Planning and Zoning Committee.

Ord. No. 2025-505, 3, 9-18-25

Sec. 101-185. - Planning and zoning committee.



- (1) *Composition.* The city planning and zoning committee shall consist of five (5) persons appointed by the city commission no later than the second regular meeting of the city commission in the month of April. Additionally, two (2) alternate members may be appointed by the city commission, who shall attend meetings. Alternate members shall be designated either first or second alternate member and shall exercise voting priority accordingly. Members and alternate members shall serve their terms or until their successors are appointed, whichever comes last.
- (2) *Qualifications.* Each member or alternate must be a resident of the city. Alternate members may act in the temporary absence or disability of any regular member. No member or alternate member of the committee shall be an elected official or an employee of the city.
- (3) *Attendance and vacancies.* The city commission can remove any member of the planning and zoning committee for cause after written notice and public hearing. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. Any vacancy occurring during the unexpired term of office of any member or alternate shall be filled by the city commission for the remainder of the term. The existing planning and zoning committee shall continue in office according to the terms of their original appointments.
- (4) *Terms.* Members of the planning and zoning committee shall be appointed for staggered terms of two (2) years. Three (3) members shall and one (1) alternate may be appointed in the odd number years and two (2) members shall and one (1) alternate may be appointed in the even years. Committee member terms shall end no later than the second regular meeting of the city commission in the month of April. At the time of the initial appointments of the alternates, one (1) shall be for a one (1) year term and one (1) shall be for a two (2) year term.
- (5) *Officers.* At the planning and zoning committee's first meeting in May, it will elect a chair, a vice-chair and a secretary from among its regular members, for a term of one (1) year or until their replacements are elected.
- (6) *Meetings.* The planning and zoning committee shall hold a regular meeting once every month unless there is no business to conduct. It will meet at such other times as the chair or city commission may direct. Minutes of all meetings shall be taken and copies shall be filed immediately with the city clerk. If the Board 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. The City will conduct any required public hearings or quasi-judicial proceedings where required.

(7) *Responsibilities.* The city planning and zoning committee will have the following duties and powers:

- (a) *Records:* It shall follow the administrative rules for transaction of its business. It shall keep records of its findings and determinations and copies of all its recommendations for amending ordinances and handling appeal cases and requested variances. All meetings shall be public.
- (b) *Budget:* Annually, at the time of preparation of the city budget, it shall present to the city commission its proposed annual income and expenses. Approved budgeted expenses may be spent without additional city commission approval. Any expenditure to be made, not included in the budget, shall be submitted in advance to the city commission for its approval.
- (c) *Amendments to this code:* It will review all proposed amendments to this chapter in accordance with [section 101-172](#) and after public hearing, make recommendations to the city commission.
- (d) *Other development permits:* It will review subdivision plats, site plans and related impact reports and furnish the city commission a detailed written report with its recommendation on the development permit application.
- (e) *Comprehensive plan:* See (8) below.
- (f) *Variances and appeals:* It shall review and make recommendations to the city commission on variances to this code (in accordance with [section 101-171](#)) and appeals of city development staff decisions (in accordance with [section 101-170](#)).
- (g) *Other:* The planning and zoning committee may have such other duties and powers as may be assigned to it from time to time by the city commission.
- (h) *Code enforcement:* It will not be the responsibility of the planning and zoning committee to enforce the regulations of this code.

(8) *Local planning agency.*

- (a) The city commission hereby designates the planning and zoning committee as the local planning agency to be responsible for the development of the local comprehensive plan as required by F.S. Ch. 163.
- (b) The committee shall conform to the statute, its own citizen participation plan and the 1990 Comprehensive Plan Appendix B for purposes of monitoring and amending the plan.

Appendix E. Statutes (State: Florida)

Florida Statutes establish the legal framework for local planning, quasi-judicial proceedings, open government, ethics, and due process. Frequently referenced statutes include Chapters 163 and 286, together with other provisions applicable to local government land use decisions.

Chapter 163 - Local Government Comprehensive Planning and Development Regulation Act.

Chapter 163, Part II. Local Government Comprehensive Planning and Development Regulation Act.

The provisions of this act in their interpretation and application are declared to be the **minimum requirements necessary** to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.

F.S. 163.3177. Required and optional elements of comprehensive plan; studies and surveys.

F.S. 163.317 (1). The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented.

Comp Plan's principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. F.S. 163.317 (1).

F.S. 163.317 (3)(a) The comprehensive plan must contain a **capital improvements** element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities and set forth all of the following:

F.S. 163.317 (3)(a)(3.). Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service.

F.S. 163.3202(1). Land development regulations.

Within 1 year after submission of its comprehensive plan or revised comprehensive plan for review pursuant to s. 163.3191, each county and each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

Chapter 186 - State and Regional Planning.

Provides direction for the integration of state, regional and local planning efforts, and specifically requires the development of Strategic Regional Plans. Chapter 380, FS: Environmental Land and Water Management Act directs the integration and coordination of land and water management activities, and outlines the process and requirements for Developments of Regional Impacts

Chapter 286.

F.S. 286.0115. Quasi-Judicial Proceedings.

Florida Statute 286.0115. Access to local public officials; quasi-judicial proceedings on local government land use matters.

Florida Statute

https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/0286.html

“Communications with local public officials. Communications with local public officials (as defined in F.S. § 286.0115(1)(b)), regarding quasi-judicial matters, including the adjudication of the rights of persons and the application of a general rule or policy to a specific individual, property, interest or activity shall be governed by the following procedure: Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official representing the City of Key Colony Beach the merits of any matter which action may be taken by any board, council or commission on which the local public official is a member. Such communication shall not raise any presumption of prejudice provided that the following process of disclosure occurs:” KCB Ordinance Sec. 2-3(a). F.S. § 286.0115.

286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters.—

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from **ex parte** communications with local public officials by establishing a process to disclose **ex parte** communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from **ex parte** communications with local public officials.

1. The substance of any **ex parte** communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the **ex parte** communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking body, subject to control by the decisionmaking body, and may be requested to respond to questions from the decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of **ex parte** communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

History.—s. 1, ch. 95-352; s. 31, ch. 96-324.

Appendix F. Case Law (Florida)

Quasi-judicial land use decisions – legal framework

Together, the following Florida Supreme Court decisions establish the legal framework governing quasi-judicial land use decisions in Florida.

- DeGroot defines competent, substantial evidence.
- Vaillant establishes the three-part standard of judicial review.
- **Snyder** applies that standard to **local land use decisions** and distinguishes legislative from quasi-judicial actions.
- Dusseau explains how reviewing courts apply the competent, substantial evidence standard and confirms that courts do not reweigh the evidence.

1. *DeGroot v. Sheffield*, 95 So. 2d 912 (Fla. 1957)

Holding: Although not a land use case, *DeGroot* provides Florida's widely accepted definition of competent, substantial evidence. The Court explained that competent, substantial evidence is **relevant and material evidence that a reasonable mind would accept as adequate to support a conclusion**. Florida courts continue to rely on this definition when reviewing quasi-judicial decisions, including land use matters.

Citation:

DeGroot v. Sheffield, 95 So. 2d 912 (Fla. 1957).

2. *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982)

Holding: This is the foundational Florida case establishing the standard for judicial review of quasi-judicial decisions. The Florida Supreme Court held that a reviewing court must determine:

4. Whether procedural due process was afforded;
5. Whether the essential requirements of law were observed; and
6. Whether the administrative findings and judgment are supported by **competent, substantial evidence**.

This three-part test remains the principal standard used by Florida courts when reviewing quasi-judicial land use decisions.

Citation:

City of Deerfield Beach v. Vaillant, 419 So. 2d 624 (Fla. 1982).

3. *Board of County Commissioners of Brevard County v. Snyder*, 627 So. 2d 469 (Fla. 1993)

Holding: The Florida Supreme Court distinguished **legislative** land use decisions from **quasi-judicial** decisions. The Court held that site-specific rezonings and similar development decisions are quasi-judicial in nature and must be supported by **competent, substantial evidence** in the record. *Snyder* remains the leading case distinguishing

legislative proceedings, which establish policy, from quasi-judicial proceedings, which apply existing law to a particular property.

Citation:

Board of County Commissioners of Brevard County v. Snyder, **627 So. 2d 469 (Fla. 1993)**.

4. Dusseau v. Metropolitan Dade County Board of County Commissioners, 794 So. 2d 1270 (Fla. 2001)

Holding: The Florida Supreme Court clarified that **competent, substantial evidence** is a **standard of judicial review**, not a standard for reweighing evidence. Reviewing courts do not substitute their judgment for that of the local government. Instead, they determine whether the record contains legally sufficient evidence supporting the Board's findings and whether the *Vaillant* requirements have been satisfied.

Citation:

Dusseau v. Metropolitan Dade County Board of County Commissioners, **794 So. 2d 1270 (Fla. 2001)**.

Appendix G. Quick Reference and Checklists

This chapter provides practical tools to assist Board members before, during, and after public hearings. It is intended as a quick reference and does not replace the City's Code, Land Development Regulations, Comprehensive Plan, any other applicable law, or advice from the City Attorney and Staff.

The checklists included in this handbook are designed to promote consistency and help ensure that each application is reviewed using the appropriate legal standards and procedures. They are intended as training aids and do not replace the governing law.

Determine Which Role You Are Performing

If the Board is...	Your Role
Updating the Comprehensive Plan	Planner
Recommending ordinance amendments	Legislator
Reviewing a Comprehensive Plan amendment	Legislator
Reviewing an LDR or Ordinance amendment	Legislator
Reviewing a variance	Quasi-Judicial Decision-Maker
Reviewing a site plan	Quasi-Judicial Decision-Maker

Legislative Hearing Checklist

Before the Hearing - Review

- Identify the purpose of the proposed amendment.
- Read the staff report.
- Review the applicable Comprehensive Plan policies.
- Review the proposed ordinance or amendment.
- Review applicable LDR provisions.
- Review similar ordinances and rationale for similar Cities

Before the Hearing - Questions Board Members Should Ask

- Why is this amendment needed?
- Is it consistent with the Comprehensive Plan?
- Does it improve the City's regulations?
- What are the long-term impacts?
- Could it create unintended consequences?
- Does it benefit the community as a whole?

During the Hearing

- Listen to staff presentation.
- Listen to public comments.
- Ask questions.
- Consider long-term impacts.
- Determine whether the proposal supports the Comprehensive Plan.
- Consider consistency with existing regulations.

Legislative Decision Checklist

1. **Identify the purpose of the Amendment** – What problem is the proposed amendment intended to solve, and is a legislative amendment the appropriate solution?
Determine consistency with the City's long-term goals and policies – Determine whether the amendment is consistent with the Comprehensive Plan and supports the City's long-term vision.
2. **Confirm Legal Authority** - Is the amendment consistent with applicable federal, state, county, and local law, including any requirements applicable to the Florida Keys Area of Critical State Concern?
3. **Evaluate the Public Interest** - Does the amendment promote the public health, safety, and welfare rather than benefiting a particular individual or property?
4. **Assess Community Impacts** – Consider how the change may currently affect residents, businesses, property owners, public safety, infrastructure, the environment, and community character.
5. **Consider Long-Term Consequences** - Will the amendment continue to serve the community over time, or could it create unintended consequences, inconsistencies, or future conflicts? Does the amendment promote orderly growth, can future board and commissions administer it fairly and consistently, and avoids unintended consequences?
Consider alternatives – Ask whether there are less restrictive or more effective ways to achieve the same objective.
6. **Consider Public Input** - Listen carefully to comments from residents, businesses, and other stakeholders, especially those who may experience unintended consequences. Florida law encourages meaningful public participation in the planning process. Listen to residents, stakeholders, and affected property owners.
Research comparable communities – Look at how similarly situated communities address the issue, particularly communities with similar geography, demographics, and development patterns.
Exercise independent judgment – Weigh all of the information presented and make an independent recommendation based on applicable law, sound planning principles, and the long-term interests of the community.

Quasi-Judicial Hearing Checklist

Before making any recommendation, remember these four principles:

1. Know the correct legal standard.
2. Discern competent, substantial evidence.
3. Apply the law to the facts.
4. Base your recommendation only on the record, the legal standard, and competent, substantial evidence.

Before the Hearing – Review of Board Packet

- Read the application including evidence presented by applicant.
- Read the staff report.
- Review the applicable ordinances.
- Identify the required approval criteria.
- Review the applicable Comprehensive Plan provisions.
- Draft a list of questions

Before the Hearing - Questions Board Members Should Ask Themselves When Reviewing Board Packet

- What ordinance is applicant requesting an exception from?
- What legal standard applies?
- What is the variance criteria?
- Has the applicant provided competent, substantial evidence for **each** criterion?
- Will the variance remain consistent with the Comprehensive Plan?
- Will the variance have any adverse effects on the community?

Beginning the Hearing

- Disclose Ex Parte communications.
- Disclose conflicts of interest.

During the Hearing

- Listen to all testimony.
- Ask questions for clarification.
- Consider only competent, substantial evidence.
- Keep an open mind.
- Ensure all interested parties have an opportunity to be heard.

Deliberation

- Has the applicant met the burden of proof?
- Has every required legal criterion been met?
- Is the recommendation supported by competent, substantial evidence?
- Is the recommendation based solely upon the record?

Variance Application

Before the Hearing – Review of Board Packet

Answering these questions help ensure that every discussion remains focused on the applicable law and results in a fair, consistent, and legally defensible decision.

- Has the applicant submitted a complete application?
- What is the legal standard?
- Does the packet contain competent, substantial evidence to meet the legal standard?
- What does staff recommend?

Draft a list of questions

Beginning the Hearing

- Disclose Ex Parte communications.
- Disclose conflicts of interest.

During the Hearing

- Listen to all testimony.
- Ask questions for clarification.
- Consider only competent, substantial evidence.
- Keep an open mind.
- Ensure all interested parties have an opportunity to be heard.

Deliberation

- Review the variance criteria.
- Review the evidence presented.
- Determine if competent, substantial evidence has been presented for each of the variance criteria. Findings of facts – for each variance criteria, identify the competent, substantial evidence supporting compliance with each criteria.
- Base your recommendation only on the record, the legal standard, and competent, substantial evidence, and whether all the variance criteria have been met.

Variance Hearing Procedure

Opening the Hearing

1. Chair identifies the variance request and subject property.
2. Board members disclose ex parte communications, site visits, or information received outside the hearing.
3. Interested parties are given an opportunity to respond to disclosed ex parte communications.

Presentation of Evidence

4. Staff presents:
 - Variance application
 - Applicable code provisions
 - Relevant facts, evidence, and analysis
 - Staff recommendation
5. Applicant is given an opportunity to present evidence and testimony supporting the request and demonstrating compliance with the variance criteria.
6. Public comments and testimony are received - interested parties may then provide testimony, evidence, or comments regarding the application.
7. Board members ask questions of staff, the applicant, and interested parties.

Close the Public Hearing

8. Chair closes the public hearing after all evidence and testimony have been received.

Board Deliberation

9. Deliberation by the Board – the Board evaluates whether the applicant has satisfied the variance criteria established by the City's code with competent, substantial evidence.

Decision

10. Motion to recommend approval or denial. Motion should include the findings of facts and legal authority.
11. Vote is based upon competent substantial evidence presented during the hearing and the requirements of the City Code.

Written Record

12. Decision and findings are recorded in the minutes. Written order prepared if required.

Variance Criteria.

Key Colony Beach Ordinance, Sec. 101-171(5)(a):

- (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.

Variance Example - Written Record (xxx needs a little work)

Issue Presented

Whether the applicant has presented competent, substantial evidence demonstrating compliance with the legal standards required for approval of a variance to construct a swimming pool within the required shoreline setback. Required setback is 10-feet; applicant requests a 7- foot setback.

Applicable Law

City of Key Colony Beach Comprehensive Plan:

Objective 1.6. Shoreline Setbacks. Policy 1.6.1(a). Accessory Structures

“New, permittable accessory structures within the shoreline setback ... must maintain: A minimum of ... 10' from MHW on canals ...”

City of Key Colony Beach Land Development Regulations / Ordinance:

Sec. 101-8. Definitions - accessory structures, swimming pools.

“*Accessory structure* or use: A garage, carport, tool shed, bathhouse, tennis court, *swimming pool*, spa, hot tub ... or other structure of a similar nature on a lot or parcel that is subordinate to the main or principal building or use.”

Sec. 101-26(11). Accessory structures and uses. Swimming pool setbacks.

Swimming pools, spas, hot tubs. (a) Setbacks: 10 feet from rear lot lines and (MHW) on canals.

Monroe County Land Development Regulations / Ordinance:

Sec. 118-12(a). Shoreline Setbacks. Purpose.

The purpose of the 10-foot setback is to: “allow for reasonable access between the land and water ... *ensure good water quality*, provide an *appearance consistent with community character* ... and *protect marine and terrestrial natural resources*.”

Sec. 118-12(c)(1)(b). Accessory Structures.

“Accessory structures, including, pools and spas shall be set back a *minimum of ten (10) feet*, as measured from the mean high water (MHW) line.”

Standard of Review

The Board's responsibility is not to determine whether it believes the project is reasonable, but whether the applicant has demonstrated compliance with the applicable legal standards based on competent, substantial evidence.

Findings of Fact

1. The subject property is located at [Property Address], Key Colony Beach, Florida, in the Florida Keys.
2. The subject property is a canal-front lot with an existing seawall.

3. The shoreline is a lawfully altered shoreline.
4. The proposed swimming pool is located approximately 7 feet landward of the mean high water line (MHWL).
5. No competent, substantial evidence presented to support that the variance criteria has been met.
2. The record contains no evidence of a swimming pool approved or installed on an altered shoreline (canal) in the Florida Keys less than 10 feet from the mean high water line (MHWL).

Conclusions of Law

1. Swimming pools are permitted accessory structures under the City's Comprehensive Plan, and Land Development Regulations, and may be located within shoreline setback areas subject to the requirements of the Land Development Regulations which provides a 10-foot setback from the MHWL.

Consistency with Local Administrative Practice

Local regulations generally permit swimming pools on altered shorelines (canals) with a minimum **10-foot setback** from the mean high water line (MHWL). This administrative practice is consistent with the City's and Monroe County's shoreline setback regulations for altered shorelines (canals).

Response to Concerns

None

Conditions of Approval

Variance not approved.

Conclusion

Variance criteria have not been met because no evidence was provided to support the criteria, only applicant's conclusory remarks.

Evidence Checklist

Good evidence generally includes:

- Professional reports – Florida Department of Environmental Pxxx
- Surveys
- Engineering plans
- Expert testimony
- Staff analysis
- Maps
- Photographs
- Applicable ordinances
- Comprehensive Plan policies

Evidence generally **does not include**:

- Personal opinions
- Speculation
- Rumors
- Public popularity
- Information outside the record
- Undisclosed personal knowledge

Governing Authority

When reviewing an application, consult:

1. Florida Statutes
2. Florida Administrative Code (when applicable)
3. Monroe County regulations
4. Key Colony Beach Comprehensive Plan
5. Key Colony Beach Land Development Regulations
6. Key Colony Beach Code of Ordinances
7. City Attorney guidance
8. City Staff recommendations

Board Member's Oath

Before every recommendation, ask yourself:

- Am I applying the correct law?
- Have I listened to all of the evidence?
- Am I relying only on the record?
- Am I treating everyone fairly?
- Would I make the same recommendation if the applicant were someone else?
- Can I clearly explain the legal basis for my recommendation?

If the answer to each question is **yes**, you are fulfilling your responsibility as a Planning and Zoning Board member.

Appendix H - Reference Materials and Practical Resources

This chapter lists practical resources that Planning & Zoning Board members may wish to consult when reviewing land use applications. These materials are intended to supplement the handbook and should be used together with the City's planning documents, regulations, and the advice of City Staff.

Planning and Zoning

American Planning Association (APA). [https://planning-org-uploaded-media.s3.amazonaws.com/documents/Member Approved Legislative Platform 9.11.18.pdf](https://planning-org-uploaded-media.s3.amazonaws.com/documents/Member+Approved+Legislative+Platform+9.11.18.pdf)

The American Planning Association (APA) and its professional institute, the American Institute of Certified Planners (AICP), are organized to advance the art and science of planning and to foster the activity of planning – physical, economic, and social – at the local, regional, state, and national levels. The objective of the Association is to encourage planning efforts that will contribute to the public well-being by creating communities and environments that meet the needs of people and of society more effectively as well as meeting the challenges engendered by our changing society.

Florida Planning and Zoning Association (FPZA)

Florida statewide professional organization devoted to planning and zoning. Its mission is to: Promote cooperation among planning and zoning boards, Improve land-use decision making, Educate citizen board members, Foster sound planning throughout Florida.
<https://www.fpza.org/>

Quasi-Judicial Process

Resident's Guide to a Quasi-Judicial Process (North Miami)

<https://www.northmiamifl.gov/960/Residents-Guide-to-a-Quasi-Judicial-Proc>

This guide helps residents understand the City's quasi-judicial process, including how land use decisions are made, the legal standards governing those decisions, and how to effectively participate in public hearings to support or oppose an application.

Appendix I – Definitions

Board Member - all members of the P&Z Board when they are acting in a quasi-judicial capacity.

“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).” Planning and Zoning Agenda Packet (June 17, 2026).

Ex Parte Communication: Any contact about a pending case that happens outside the public hearing.

Legislative: Changing the law itself for the whole community (e.g., amending an ordinance).

Quasi-Judicial: Applying existing law to one specific property and set of facts (e.g., a variance).

Rule of Law - The principle that laws apply equally to everyone and that government decisions must be made according to established laws and procedures, rather than personal preference, favoritism, or arbitrary judgment.²²

Substantial Competent Evidence: Evidence a reasonable person would accept as adequate to support a conclusion — not speculation or personal opinion.

Variance: Limited relief from a specific regulation, granted only if the applicant proves hardship; meets every criterion in the ordinance.

²² “Independence and the Rule of Law,” The Florida Bar (July/August 2026). “The rule of law is the framework that holds all of us accountable to laws that are publicly issued, evenly enforced, and independently adjudicated.” https://www.floridabar.org/the-florida-bar-journal/independence-and-the-rule-of-law/?utm_source=chatgpt.com