

AGENDA

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, September 17th, 2026, 10:00 AM

At the temporary meeting place for the City of Key Colony Beach
The Key Colony Inn – Back Patio, 700 W. Ocean Drive, Key Colony Beach, Florida
& via Zoom Conferencing

[Zoom Login Information at the end of this Agenda](#)

- 1. Call to Order, Pledge of Allegiance, Prayer, & Roll Call**
- 2. Approval of the Agenda** *(Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote)*
- 3. Special Requests**
 - a. Proclamation Honoring Patriot Day and National Day of Service and Remembrance – September 11, 2026 – **Pg. 1**
- 4. Citizen Comments and Correspondence**
- 5. Committee and Department Reports** *(written reports provided; Staff and Board Chairs available for questions)*
 - a. Marathon Fire/EMS – Fire Chief Shana Rogers - **Pg. 2**
 - b. Police/Code Enforcement – Chief of Police Jamie Buxton – **Pgs. 3-11**
 - c. City Administrator – John Bartus – **Pgs. 12-18**
 - d. Public Works – Public Works Department Head Mike Guarino – **Pgs. 19-20**
 - e. Building Department – Building Official Tony Lorenzo – **Pgs. 21-22**
 - f. City Hall – City Clerk Silvia Roussin – **Pgs. 23-27**
 - g. Beautification Committee – Chair Sandy Bachman
 - h. Planning & Zoning Board – Chair George Lancaster
 - i. Recreation Committee – Chair Cindy Catto
 - j. Utility Board – Chair Fred Swanson
- 6. Consent Action Items** *(Under the consent agenda, all action items will be voted on after one motion, and a second will be required to approve them without discussion. If a Commission member wants any action item discussed or voted on separately, the member must, at the beginning of the open session, ask that the action be moved to the discussion action item section.)*
 - a. Approval of the following City Commission Meeting Minutes
 1. 08-20-2026 City Commission Regular Meeting & Public Hearing – **Pgs. 28-37**
 - b. Approval of Warrant No. 0826 for \$1,188,829.87 – **Pg. 38**
 - c. Approval of the Hot Dog in the Hut Event scheduled for February 27, 2026
- 7. Discussion Action Items**
 - a. Approval of City of Marathon Capital Infrastructure Funds Invoice per Interlocal Agreement for EMS/Fire Rescue Services for \$25,000.00 – **Pgs. 39-41**
 - b. Discussion/Approval of a Recommendation to Award RFP 2026-05 for Lift Station Resiliency Improvements
 1. RFP 2026-05 – **Pgs. 42-57**
 2. Engineer's Recommendation to Award – **Pgs. 58-59**

Members of the public may speak for three minutes and may speak only once...unless waived by a majority vote of the commission." Letters submitted to the City Clerk to be read at the Commission Meeting will be part of the record but will not be read into the record.

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 this meeting to request such assistance. If a person decides to appeal any decision made with respect to any matter considered at any meeting, that person will need a record of the proceedings and, for that purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

- c. Discussion/Approval for Code Amendments to the Code of Ordinances, Section 6-3 (2), New Construction Materials, to comply with newly enacted Florida Statutes, per the Planning and Zoning Board
 - 1. Draft Ordinance – **Pgs. 60-62**
 - 2. Board Recommendation – **Pg. 63**
 - 3. 08-19-2026 P&Z Meeting Minutes – **Pgs. 64-68**
- d. Discussion/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, per the Recommendation of the Planning & Zoning Board
 - 1. Draft Ordinance – **Pgs. 69-72**
 - 2. Board Recommendation – **Pg. 73**
 - 3. 08-19-2026 P&Z Meeting Minutes (see under c)
- e. Discussion/Approval for the Implementation of a Handbook for the Planning Zoning Board, per the Recommendation of the Planning Zoning Board
 - 1. P&Z Member Handbook – Draft – **Pgs. 74-154**
 - 2. Board Recommendation – **Pg. 155**
 - 3. 08-19-2026 P&Z Meeting Minutes
- f. Discussion/Approval of a request to install a 50K 8-Post and a 20K 4-Post Cradle Lift at the property located at 285 14th Street
 - 1. Engineering Plans – **Pgs. 156-160**
 - 2. Permit & Code - **Pgs. 161-167**
- g. Discussion/Approval of a Technician Position Request

8. Ordinances & Resolutions:

- a. **SECOND and FINAL READING OF ORDINANCE 2026-515:** An Ordinance Of The City Of Key Colony Beach, Florida; Amending Chapter Fourteen Of The Code Of Ordinances, Entitled Sewers And Sewage Disposal, Section 14-6 Monthly Rates And Charges, And Providing For Codification; Repealing Any Inconsistent Provisions; Providing For Severability; And Providing An Effective Date.
 - 1. Ordinance 2026-515 - **Pgs. 168-169**
 - 2. Business Impact Statement - **Pgs. 170-171**
 - 3. Proof of Publication – **Pg. 172**
- b. **RESOLUTION 2026-14:** A Resolution of the City Commission of the City of Key Colony Beach, Florida, approving a One-Year Extension of the Agreement between the City of Key Colony Beach and the City of Marathon for the Provision of Emergency Medical and Fire Rescue Services, providing for an effective date. – **Pgs. 173-176**

9. Secretary-Treasurer's Report

- a. August 2026 Financial Summary – **Pgs. 177-179**

10. City Attorney's Report

11. Commissioners' Reports & Comments

- a. **Commissioner Harding**
 - 1. Wastewater Sampling Weekly Report for September 14, 2026 ****TBA****
- b. **Commissioner Diehl**
 - 1. Key Colony Beach 70th Birthday Committee Update
 - 2. Discussion to allow the Beautification Committee to hang Christmas lights at the Sunset Park Gazebo

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c. Commissioner DiFransico

d. Vice-Mayor Colonell

1. City Hall Update

e. Mayor Foster

1. Update on License Plate Reader Cameras

12. Citizen Comments

13. Adjournment

This meeting will be held at the temporary meeting place for the City Commission of the City of Key Colony Beach at The Key Colony Inn, Back Patio, 700 W. Ocean Drive, Key Colony Beach, Florida 33051.

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/89307186535?pwd=4AitrVDSWhMLBo1pihfZxrlARzRVhl.1>

Passcode: 762216

Phone one-tap:

+13052241968,,89307186535#,,,,*762216# US

+13017158592,,89307186535#,,,,*762216# US (Washington DC)

Join via audio:

+1 305 224 1968 US

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

Webinar ID: 893 0718 6535

Passcode: 762216

International numbers available: <https://us02web.zoom.us/j/89307186535?pwd=4AitrVDSWhMLBo1pihfZxrlARzRVhl.1>

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PATRIOT DAY AND NATIONAL DAY OF SERVICE AND REMEMBRANCE – SEPTEMBER 11, 2026

WHEREAS, on September 11, 2001, our Nation suffered devastating terrorist attacks that claimed the lives of nearly 3,000 innocent people and forever changed the United States of America; and

WHEREAS, we remember and honor those who lost their lives at the World Trade Center in New York City, at the Pentagon in Arlington, Virginia, and aboard United Airlines Flight 93 in Shanksville, Pennsylvania; and

WHEREAS, we pay special tribute to the firefighters, law enforcement officers, emergency medical personnel, members of our Armed Forces, and countless other first responders and ordinary citizens who demonstrated extraordinary courage, compassion, and selflessness in the face of tragedy; and

WHEREAS, September 11 is a solemn day to remember those we lost, honor the survivors and their families, and recognize the sacrifices of all who answered the call to serve our Nation in the years that followed; and

WHEREAS, the strength and unity demonstrated by Americans in the aftermath of September 11 remind us of our shared responsibility to serve our communities, support our neighbors, and preserve the freedoms and values that unite us as a Nation; and

WHEREAS, the City of Key Colony Beach joins communities throughout the United States in ensuring that the events of September 11, 2001, and the courage and sacrifice demonstrated on that day are never forgotten.

NOW, THEREFORE, I, Freddie Foster, Mayor of the City of Key Colony Beach, Florida, on behalf of the City Commission, do hereby proclaim September 11, 2026, as

PATRIOT DAY & NATIONAL DAY OF SERVICE AND REMEMBRANCE

in the City of Key Colony Beach and encourage all residents to honor the memory of those who lost their lives, recognize the bravery and sacrifice of our first responders and members of the Armed Forces, and observe this day through remembrance, reflection, and service to others.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Key Colony Beach, Florida, to be affixed this 17th day of September 2026.

City of Key Colony Beach, Florida

(City Seal)

Attested: _____
Silvia Roussin, City Clerk

Freddie Foster, Mayor



CITY OF MARATHON FIRE RESCUE

8900 Overseas Highway, Marathon, Florida 33050
Phone: (305) 743-5266 Fax: (305) 289-9834

Memorandum

Date: 8/31/2026
To: Honorable Mayor and City Council members
From: Shana J Rogers, Fire Chief
Through: Steve Williams, City Manager
Subject: August Month End Report

MARATHON RESPONSES	August
Fire Incidents	2
Hazardous Condition	5
EMS	101
Inter-facility Transfers	15
False Alarm/No Emergency	20
Public Service	24
Rescue	4
Total for Month:	171
Total Calls for Calendar 2026:	1683

FIRE PREVENTION – AFM Card	August
Fire Inspections	16
Fire Safety Plan Review	40
Occupational or Annual License Inspections	19
Event Inspections	1
Annual State Inspections	0
DHR Follow-Up Inspections	0

KCB RESPONSES	August
Fire Incidents	0
Hazardous Condition	0
EMS	5
False Alarm/No Emergency	1
Public Service	4
Rescue	0
Total for Month:	10
Total Calls for Calendar 2026:	103

VACATION RENTALS – Inspector Good	August
Total Applications Processed	115
Vacation Rental Fire Inspections	116
Total VR Fees Collected	\$105,500.00
Agent/Local Contacts Trained	18
Total VR Licenses Issued	120

**Commission Meeting Report
Key Colony Beach Police Department
August 20, 2026, to September 09, 2026
Chief Jamie Buxton**

A. REPORTS

1. **08/21/2026**
 Report Number KCBP26OFF000032
 West Ocean Dr
 Neighbor Problem
 Result: Ongoing Investigation

2. **08/25/2026**
 Report Number KCBP26OFF000033
 West Ocean Dr
 Trespassing
 Result: Ongoing Investigation

3. **08/28/2026**
 Report Number KCBP26OFF000034
 3rd St
 Medical Call
 Result: Report completed

4. **8/28/2026**
 Report Number KCBP26OFF000035
 E Ocean Dr
 Accident hit and run
 Result: Pending warrant process

5. **09/05/2026**
 Report Number KCBP26OFF000036
 3rd St
 Medical Call
 Result: Report Completed

6. **09/07/2026**
 Report Number: KCBP26OFF000037
 9th St
 Medical Call
 Result: Ongoing Investigation

7. **09/07/2026**
 Report Number KCBP26OFF000038
 13100 Overseas Hwy
 Petit Theft
 Result: Ongoing Investigation

8. MEDICAL/ALARM CALLS

Total Calls: 4

9. CALLS FOR SERVICE

Total Calls: 16

8/20/2026-Assist Citizen-Phone Call-Calling about issue with PO Box-Advised to speak to post office-855

8/21/2026-Disabled Vehicle-Sadowski Cswy- subject had a flat tire-Tire was changed by officer-856

8/24/2026-Suspicious Activity-Sadowski Cswy-Report of front door open and no one inside-Business was checked and ok-Front door secured-857

8/25/2026-Suspicious Smell-Report of foul odor and had not seen the neighbor in a few months. It was rotten fish in the trash can. Owner was notified of the issue-856

8/26/2026-Suspicious Person-8th St-Report of subject on property-Delayed Reporting-There was a door hangar left on front door from the water authority-860

8/27/2026-Flagdown 601 W Ocean Dr-Subject turned in property that was found in Marathon-Property was turned into MCSO-856

8/27/2026-Neighbor Problem-11th St-Report of workers next door using their hose-No one was on property upon arrival and hose was not being used at the time-They were advised not to use the house-856

8/28/2026-Fraud-W Ocean Dr-Attempted to call multiple times, negative on answer-856

9/02/2026-Suspicious Person-8th St-Report of 2 people on property and no one is supposed to be there-It was the pool cleaners-855

10. TOTAL WATCH ORDERS/NON-RESIDENTS

Total: 64

11. PROVIDED BACK-UP/ASSISTANCE TO MCSO, FHP, FWC, COAST GUARD OR U.S. BORDER PATROL

Total: 5

12. CITATIONS/WARNINGS

- 1. Traffic Citations: 0**
- 2. Traffic Warnings: 8**
- 3. Code Citations: 0**
- 4. Code Warnings: 3**
- 5. Resource Checks/Marine Life: 0**

SAFETY MEETING AGENDA

Key Colony Beach Police Department

MEETING DETAILS

Date: 9/09/2026

Time: Email

Location: Email

Meeting Lead: Chief Jamie Buxton

ATTENDANCE

Attendees: Sent via email. Sgt. Buckwalter, Ofc. Niemiec, Ofc. Burden, Ofc. Schlegel, Ofc. Bethard

ITEMS & DISCUSSION

1ST ITEM:

Parking Lots: Backing the patrol vehicle in for non-emergency calls avoids accidents and keeps insurance cost down/Workers Comp claims down.

2ND ITEM:

"Most incidents involving a driver backing up occur in parking lots. Backing in and avoiding those accidents can also save you money. According to the Insurance Institute for Highway Safety, almost 15 percent of accidents that lead to insurance claims also happen in parking lots.

According to AAA, almost 300 people a year are killed by a driver backing up, and about 18,000 are injured. Most of those accidents happened in parking lots. And while many newer cars are equipped with rear traffic alert systems meant to warn drivers about anything or anyone behind their vehicle, A AAA study found some systems aren't designed to detect pedestrians, and others fail to detect them up to 60 percent of the time." (<https://www.wmbfnews.com/story/30757402/backing-into-parking-spots-will-keep-you-safer-study-suggests/>)

3RD ITEM:

Lessen the chance of causing an accident, whether it be a fixed object, another vehicle or a person/animal.

4TH ITEM:

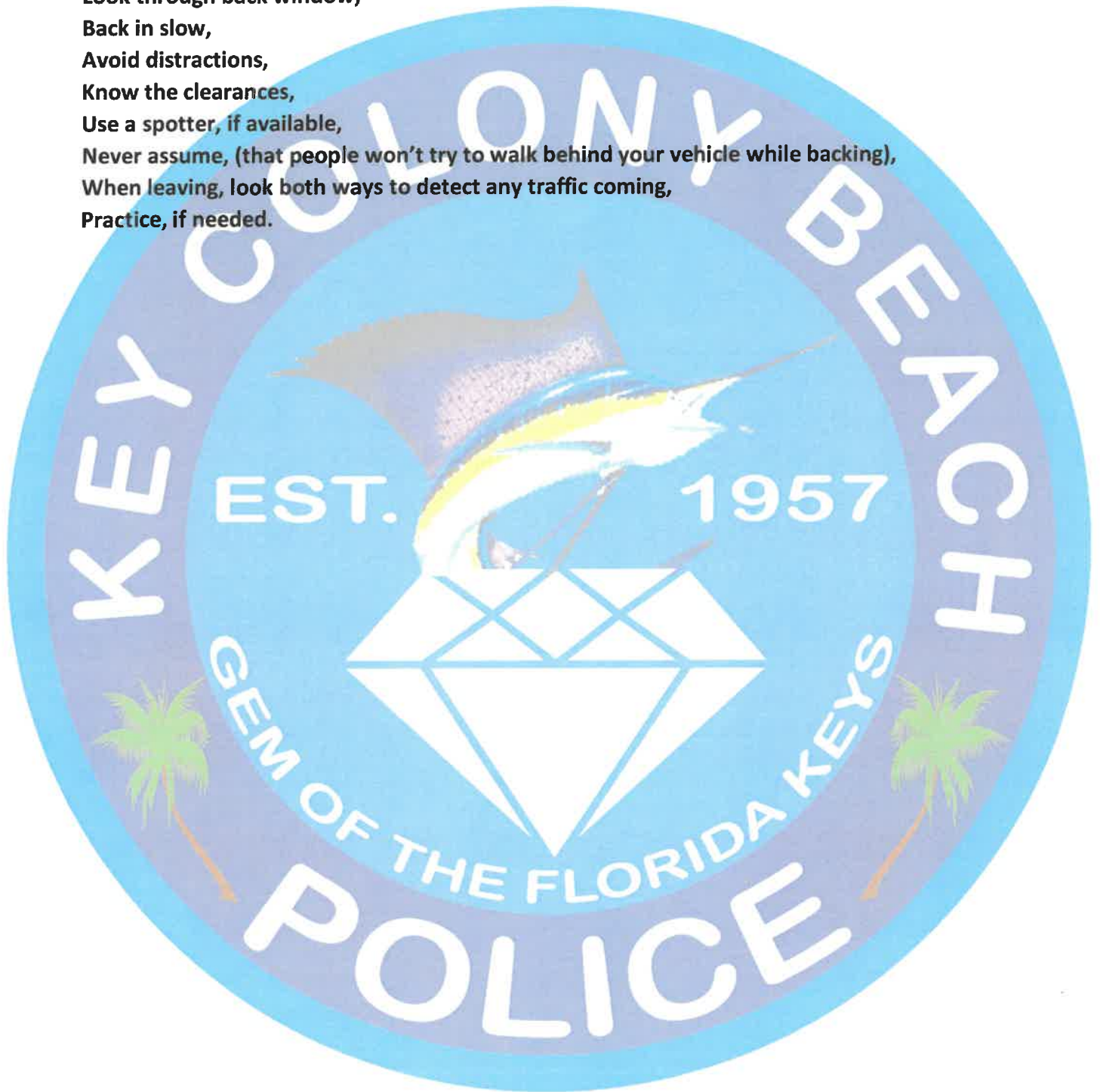
When practicable to do so, back into parking spaces or pull completely through to avoid backing up when leaving.

5TH ITEM: CONCLUSION

If time permits, backing into a parking spot is preferred. When leaving the parking spot, the officer has a full view of what is in front of them. This will clear any blind spots that are associated with backing up.

Key Points:

- Adjust mirrors,**
- Look through back window,**
- Back in slow,**
- Avoid distractions,**
- Know the clearances,**
- Use a spotter, if available,**
- Never assume, (that people won't try to walk behind your vehicle while backing),**
- When leaving, look both ways to detect any traffic coming,**
- Practice, if needed.**



Code Enforcement Report for the Month of August 12, to September 10th , 2026

Executive Summary:

During this past month reporting period, I prioritized a compliance-first, educational approach over strict enforcement. By actively collaborating with residents, property managers, and visitors, the emphasis was placed on resolving issues through open communication, verbal guidance, and written courtesy notices before resorting to formal citations.

Through these proactive community partnerships and dedicated administrative reconciliation, the division successfully resolved and closed 32 total cases (25 cases in August and 7 cases to date in September). A key focus of this period was assisting residents with outstanding matters from last year, this June, July, and August through direct email outreach—helping homeowners understand municipal requirements, cure violations voluntarily, and bring their accounts into full compliance. Whether helping a resident understand waste collection procedures, guiding property managers on boat trailers/trailers standards, or coordinating neighborly resolutions for dock and right-of-way concerns, the primary objective remains serving and supporting the community to keep the city safe, accessible, and well-maintained.

Key Field Activities & Community Work/Trash & Yard Cleanup:

Issued verbal and written courtesy warnings for garbage bins left out past the 24-hour post-collection limit, prioritizing compliance education over immediate citation violation tickets.

Conducted a few proactive patrols with my supervisor—to assist residents by pulling in bins where needed and enforcing solid waste warnings codes.

Monitored commercial and construction dumpsters; successfully coordinated the clearing of overflowing dumpsters and debris through cooperative outreach at multiple properties (including 1000 W. Ocean and active construction sites on 1st, 9th and 13th Streets).

Addressed rodent and waste issues at an 8th Street property following a public complaint; worked directly with the owner, who promptly remediated the site.

Guided short-term renters on proper local waste guidelines and resolved disputes regarding missed collections by the waste service provider through resident education rather than penalties.

Sent advance courtesy emails and written warning to property managers and homeowners whenever an issue is found, giving them notice so they could fix the problem and avoid citations. In line with city guidance, my standard practice is to issue at least two warnings before issuing a formal citation or at least avoid it whenever possible.

Trailers, Parking & Right-of-Way Compliance:

Monitored residential parking for dual-trailer standards under Sec. 5-82, utilizing courtesy verbal warnings to educate owners on trailer limits.

Addressed property manager inquiries regarding single-family vs. duplex designation (verifying property status with Building Code and Monroe County records to help owners maintain compliance).

Distributed and affixed incoming 2026–2027 boat trailer renewal decals to keep compliant residents up to date.

Nuisance Abatement, Right-of-Way & Environmental Compliance:

Issued verbal reminders and final courtesy warnings regarding lighting nuisance complaints (Sec. 7-7 violation) to give owners every opportunity to self-correct.

Enforced vegetative overgrowth standards, securing voluntary compliance for overgrown palm fronds obstructing pedestrian walkways, property line overgrowth at 1000 W. Ocean, and sending a thank-you note to owners who promptly complied on the mowing of vacant lots.

Addressed an environmental concern on 10th Street regarding dry-cutting cement; educated contractors on local air quality expectations and instructed them to utilize dust-suppression measures (water) immediately.

Waterway & Vessel Mooring Enforcement:

Investigated waterway complaint regarding canal mooring and vessel size restrictions (e.g., E. Ocean Dr., where a vessel exceeded the 20-foot allowance relative to the dock). Coordinated with the Building Department and property managers to facilitate friendly, amicable solutions between neighboring property owners.

Vacation Rentals & Short-Term Rental Compliance:

Investigated potential unpermitted rental activity on 5th Street (determined to be an active home inspection for a property sale; coordinated lien status details with City Hall).

Responded to public inquiries regarding short-term rental regulations, providing helpful documentation on the minimum 7-day rental requirement.

Citation Processing & Financial Record Reconciliation:

Processed multiple citation payments across various violation categories (Garbage, trailers, & nuisance).

* **Proactive Case Closures:** Successfully resolved and officially closed 32 active cases during this period, completing 25 cases in August and 7 cases to date in September (including backlogged citations dating back to 2025).

Multi-Month Email Outreach:

Conducted a comprehensive email outreach campaign targeting open citation records from 2025, June, July, and August of this year. This direct communication provided residents and property managers with clear instructions on how to cure open matters, leading to significant voluntary compliance and fee settlements.

Inter-Departmental Collaboration/City Hall Team work:

Partnered closely with City Hall staff to match payment records and cross-reference payment records against active Citizenseive files, ensuring prompt case closures so property owners could seamlessly proceed with rental license renewals.

Supervisor-Approved Waived Citations: Exercised administrative discretion—with supervisory authorization—to waive citations under qualifying circumstances (e.g., resident illness, travel times, renter checkout timing, Cleaning Staff not aware of Garbage pick up or retrieval schedule times, or verified waste company delays accompanied by resident education).

Community Outreach & Resident Services/ Direct Assistance on the Beat:

Yesterday, I noticed a resident stranded with a dead car battery, I stepped in to coordinate help through local law enforcement and a nearby neighbor who jumped the battery and to the resident safely back on the road.

Friendly Public Guidance:

Dedicated time every day to taking phone calls and emails from residents-patiently walking them through online payments, answering city code questions, such as rental license information, garbage schedule time, and resolving open issues without stress.

City of Key Colony Beach

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



Date: September 10, 2026

To: Mayor & Commissioners

Subject: City Administrator Report

From: John Bartus, City Administrator

1. TDC Capital Project Grants: The local District Advisory Council (DAC III) meets on September 29 to make their recommendations on our grant applications to the full TDC. They will then pass them along to the County Commission for final approval and authorization. Our applications for TDC “Bricks & Mortar” grants include ADA-compliant restrooms on both the 7th Street and 8th Street sides of our park, the basketball half-court with a tiki shade hut, a fitness trail with exercise stations along the north side of the park stretching from 7th Street along Shelter Bay Drive to 8th Street, a new video-capable dynamic message sign for our new City Hall, and a wedding/family gathering area for Sunset Park. The Mayor and I will be in attendance at this meeting.
2. Along with Commissioner Harding and City Clerk Silvia Roussin, met with Kelly Gibson from OVID to discuss future grants.
3. Along with City Clerk Silvia Roussin, opened bids for construction and elevation of our wastewater lift station project.
4. Continued our ongoing meetings with the County and other municipalities concerning street elevation and resilience studies.
5. Met with the Beautification Committee; will have met with the Utility Board discussing their agenda items, some of which are up for consideration today.
6. Along with Building Official Tony Loreno and Building Assistant Samantha Rodamer, attended the recent FIRM Town Hall meeting with representatives from Citizens Insurance. Citizens officials listened to concerns from other local government representatives during this morning session.
7. Worked with Legal as well as Tony Loreno and Samantha Rodamer to help draft floodplain ordinances and code amendments to comply with Rebecca Quinn’s comments as we near the end of this process. Planning & Zoning will take these up at their next meeting, and are expected to pass these along to you for first reading shortly thereafter.

8. Met with Monroe County Emergency Management to recap the Countywide efforts for Lobster Mini-Season and formulate strategies to be used for future events. Consensus was that this was a fairly uneventful mini-season and that local agencies provided efforts to keep things safe.

9. Took an in-person F-ROC training class in Recovery from Emergencies/Disasters. F-ROC stands for Florida Recovery Obligation Calculation, and it's a program developed by the Florida Division of Emergency Management (FDEM) to standardize and simplify the Public Assistance (PA) process for disaster recovery. Our participation in this program will help us get faster FEMA reimbursements in advance from the state.

10. Assisted in coordinating a visit from State Senator Ana Maria Rodriguez and State Representative Jim Mooney for a check presentation in recognition of the Legislative appropriation of \$475,000 for our wastewater plant. Mayor Foster, and Commissioners Harding and Diehl represented our City, as well as senior staff who all attended as well.

A separate grant update will be included as part of my report.

John Bartus
City Administrator, Key Colony Beach



FDEP/Other Grant Update – September 2026

Beach Management Funding Assistance (Applied For): Financial assistance in an amount up to 50% of beach projects and up to 75% of inlet project costs is available to Florida's local governments, including county and municipal governments, community development districts and special taxing districts. Eligible activities include:

- Beach restoration and nourishment activities.
- Project design and engineering studies.
- Environmental studies and monitoring.
- Inlet management planning.
- Inlet sand transfer.
- Dune restoration.
- Beach and inlet protection activities.

NOT AWARDED. Waiting for update from Terra Blue on how we scored; how to better apply for future funding.

Coastal Partnership Initiative Grant Program: The next request for applications for FY 2027-28 will open September 1, 2026 and remain open through October 31, 2026. Eligible local governments are defined as Florida's 35 coastal counties and all municipalities within counties' boundaries that are required to include a coastal element in their local comprehensive plan. Eligible entities may apply for grants for community projects such as habitat restoration, park planning and improvements, waterfront revitalization and improving community resiliency to coastal hazards. Financial awards are a minimum of \$10,000, and awards are limited to no more than \$60,000 for construction projects, habitat restoration, invasive plant removal or land acquisition; and no more than \$30,000 for planning, design and coordination activities. For detailed application procedures, funding eligibility and review procedures and other questions about submitting a CPI grant application, please contact the FCMP Grants Section at 850-245-2094. **PROJECT: Sunset Park / Shoreline stabilization & improvements**

Resilient Florida Program Implementation Grants: ~~The Resilient Florida Program includes a selection of grants that are available to counties, municipalities, special districts with specific responsibilities and regional resilience entities. To effectively address the impacts of flooding and sea level rise that the state faces, eligible applicants may receive funding assistance to analyze and plan for vulnerabilities, as well as implement projects for adaptation and mitigation. Local governments are eligible to apply for implementation project funding after conducting a vulnerability assessment that demonstrates a risk of flooding or risks due to sea level rise to a critical asset or the project area. The Resilient Florida Program will be hosting virtual office hours from April through August 2026 to provide assistance to prospective applicants for the 2026 application cycle. Fiscal Year 2027-28 Implementation project applications to be included in the Statewide Flooding and Sea Level Rise Resilience Plan are accepted July 1–Sept. 1, 2026.~~ **PROJECT: Sadowski Causeway erosion; vulnerable roadway elevation, shoreline stabilization NOT APPLIED FOR; 50% MATCH.**

Nonpoint Source Management Program: Eligible entities will complete a project proposal request through the Protecting Florida Together (PFT) grants portal. The Nonpoint Source Management Program administers state and federal grant funding for projects that reduce pollution from nonpoint sources, particularly to address impaired waterbodies and meet restoration goals related to total maximum daily loads (TMDLs) and approved restoration plans. The duration these funds are available is about three years, commonly referred to as the “grant period.” However, with adequate justification, there are extensions available for this grant. There are no set maximum or minimum funding request caps per project but funding is limited. **The PFT portal will open on July 1, 2026, and close on September 1, 2026.** It generally takes about 1-1/2 years from the time a project proposal is submitted to the Department before the money is available. **PROJECT: 11th & 12th Street outfalls; Application submitted.**

Alternate Water Supply Grants: Stormwater Eligibility as an “Alternative Water Supply” – under the SFWMD AWS Program, stormwater qualifies for funding only if the project captures, treats, and routes the water to offset traditional freshwater demands. Purely promotional drainage, flood control, or runoff retention infrastructure is not eligible.

- Eligible Projects: Stormwater captured predominantly during heavy rainfalls to be stored for future use, or stormwater redirected for use by a Consumptive Use Permittee (CUP) (such as regional irrigation or public water utility blending).
- Ineligible Projects: Standard municipal storm drain repairs, traditional community retention ponds, or neighborhood swale clearing.

- Anticipated Application Timeline for FY 2027–2028: The SFWMD processes application worksheets a year ahead of the targeted state fiscal budget cycle. Based on the previous cycles...
- Application Window Opens: Late November / December 2026.
- Submission Deadline: Late February 2027 at 4:00 PM.
- Review & Ranking: March–April 2027 by the SFWMD Governing Board.
- Submission to FDEP: May 2027 for ultimate legislative appropriation.
- Requirements & Funding Limits: Applications must be completed and submitted via the SFWMD Cooperative Funding Portal using their specific 8-tab Excel template. PDF submittals are rejected.
- Cost-Share: Eligible projects can receive up to a 50 percent cost-share of matching funds from the state.
- Readiness: Projects must be construction-ready and yield an immediate, measurable alternative water benefit.

PROJECT: Wastewater/Reuse System improvements; reuse pipeline extensions

FRDAP Grants: This competitive, reimbursement grant program provides financial assistance for acquisition or development of land for public outdoor recreation. Eligible participants include all county governments, municipalities in Florida and other legally constituted local governmental entities with the responsibility for providing outdoor recreational sites and facilities for the general public. FRDAP Grant Applications must be submitted through DEP's Grantee Portal during the announced submission period, September 15 - October 15, 2026. Applicants may submit up to two applications during the submission period. Each applicant may only have a total of three active projects, including any applications being submitted.

GRANT MATCH RATIOS: (Based on the grant cap of \$200,000)

- \$50,000 or less: State 100% / Local 0%
- \$50,001 to \$150,000: State 75% / Local 25%
- \$150,001 up to \$400,000: State 50% / Local 50%

PROJECT: Playground Expansion & Shade; Fitness Trail

TDC Capital Project Grants: This cycle, we have submitted several applications for funding at different levels – some as Public Facilities grants (PF, which require a 30% local match), and others as 100% reimbursable grants. DAC III will meet to approve these applications on September 29. The grant applications are as follows:

- Basketball Court (PF): \$77,000 grant funding; \$33,000 local match
- 7th Street Park Restroom (PF): \$80,500 grant funding; \$34,500 local match
- Pickleball Park Restroom (PF): \$80,500 grant funding; \$34,500 local match
- Park Fitness Trail (PF): \$104,300 grant funding; \$44,700 local match

- Sunset Park Gazebo: \$69,000 grant funding; no local match (Beach Park)
- City Hall Dynamic Message Sign: \$75,000 grant funding; no local match (Convention Center)

Fish Florida Fishing Equipment Grant: Fish Florida is a non-profit organization that provides support to groups teaching people, especially children, about Florida fish, aquatic habitats and resource stewardship. This is accomplished through displays, classes, seminars, presentations, clinics, and other means designed to teach and promote responsible angling. This grant could provide a free rod and reel to all participants in the Ron Sutton Fishing Derby. **Application deadline is December 15.**

POTENTIAL FUTURE GRANT OPPORTUNITIES

LWCF and Recreational Trails Program in Florida: The Land and Water Conservation Fund (LWCF) and the Recreational Trails Program (RTP) are two state-administered grant programs that support public outdoor recreation in Florida. Eligible applicants are county governments, incorporated municipalities, and other legally constituted local governmental entities with responsibility for public outdoor recreation. Uses include trails, beaches, picnic areas, sports fields, playgrounds, lighting, parking, restrooms, landscaping, and other support facilities (enclosed buildings except restrooms/concession buildings are ineligible). Funding: 50% federal, 50% state match (cash, in-kind, or pre-approved donated property). Maximum grant: \$1.5 million per project (development or acquisition).

Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Competitive Grant Program: The purpose of this USDOT program is to plan for and strengthen surface transportation to be more resilient to current and future weather events, natural disasters, and changing conditions such as severe storms, flooding, drought, levee and dam failures, wildfire, rockslides, mudslides, sea level rise, extreme weather, and earthquakes. Funding will support projects that improve the resilience of the surface transportation system, including highways, public transportation, ports, and intercity passenger rail. No local match is required for planning; all others require a 20% local match. Funding will be provided for the following program components:

- (Part A): Planning Grants
- (Part B): Resilience Grants: Resilience Improvement Grants
- (Part C): Resilience Grants: Community Resilience and Evacuation Route Grants

- (Part D): Resilience Grants: At-Risk Coastal Infrastructure Grants
Deadline for application is October 9, 2026. Recommend that we get Ovid and CPH engaged on the best approach for getting this funding.

National Coastal Resilience Fund: NOAA’s National Coastal Resilience Fund invests in conservation projects that restore, increase and strengthen natural infrastructure such as coastal marshes and wetlands, dune and beach systems, oyster and coral reefs, rivers and floodplains, coastal forest, and barrier islands that mitigate the impacts of storms and other coastal hazards to communities. The fund invests in building capacity and plans for coastal resilience, the design of nature-based solutions and implementation of coastal resilience projects to support communities and habitats to withstand, recover and adapt to changing environmental conditions. Nature-based solutions include natural and hybrid (“green-gray”) solutions, such as restoring coastal marshes, reconnecting floodplains, rebuilding dunes or other natural buffers, and installing living shorelines. Average award ranges vary by project type:

- Community Capacity Building and Planning, Site Assessment, Preliminary Design, Final Design and Permitting: \$100,000–\$1,500,000
- Restoration Implementation: \$1,000,000–\$7,000,000

Applicants are encouraged to leverage additional public or private funds to extend project impact, though non-federal matching is not required. Recommend we consult with Terra Blue on this before the next application cycle opens.

Project: Shoreline Stabilization/WADs

Public Works Staff Report

Report for September 17th, 2026 – City Commission Meeting

- Installed 4 new ceiling fans at the golf clubhouse
- Replaced crotons eaten by iguanas with trinettes by the kapok tree
- Citywide herbicide
- Repainted injection well covers throughout the city
- Bult new horseshoe pits at 7th Street Park
- Performed PM on two police F150's
- Repaired golf course mower
- Repaired golf course aerator
- Installed pet waste station at entrance garden
- Oversaw the following plantings; in front of golf shop, maintenance building, and entrance garden. Scheduled hedge planting for 4th hole, golf course.
- Irrigated new gardens, and hanging baskets
- Trimmed silver buttonwood hedge on Clara
- Re-graveled and installed parking stops pickleball in the overflow parking lot
- Inventoried, measured and ordered custom fabricated manhole liners to keep stormwater out of wastewater system
- Cycled 4 public works trucks through tires and alignment service
- Welded new hinged gate for pickleball court
- Welded new sliding gate for pickleball overflow parking
- Prepped 7th street park surface for bocce paver project
- Moved sprinkler heads, junction box, shutoff and ran new irrigation wire for bocce paver project
- Installed plaque on memorial bench
- Assisted welder with moving the sword fish sculpture
- Replaced utility sink at the shop
- Pruned plumeria around gazebo
- Cleaned treatment plant grounds
- Began plumbing and electrical repairs at the treatment plant
- Had garage door repaired at the treatment plant
- Ordered new RO interface screen for treatment plant
- Cleaned Marble Hall stage and construction area for check giving ceremony

Thank you,

Mike Guarino

Public Works Department Head

City of Key Colony Beach
Public Works Safety Training Documentation Form

Date:	9/9/26	Location:	Shop
Time:	0700	Meeting Lead:	Mike & Danny

Attendees: Justin Luisi, Cedric Goethals, Esteban Cabrera, Anthony Battini, Danny Price & Mike Guarino

Absentees: N/A

Topic: How to Use a Gas Detector

1. Introduction and Presentation of Topic:

Danny gave circumstances of when a gas detector should be used. We watched an instructional video on how to use the “sniffer” the city owns.

2. Discussion, Questions and Concerns:

It was determined that a sniffer should be used in a confined area such as anything below your head. It was identified that there is additional safety gear needed such as tripod, winch, harness and spotter. Justin gave examples of how they are used in the hotel industry.

3. Conclusion:

Additional training is needed before anyone enters a confined space. There are OSHA training guidelines that need to be followed for this activity.

Building Department Staff Report
Report for September 2026– City Commission Meeting

Tony Lorenzo – Building Official

- Completed 60 building inspections & 114 rental inspections.
- Plan reviews completed: 56
- 10 new construction projects remain active throughout the city.
- The department is continuing to see an increase in new permit activity, reflecting continued construction and investment within the community.
- Daily support continues for Vice Mayor Colonell and the City Hall Renovation Project, including on-site coordination, construction progress monitoring, and ensuring Marble Hall remains accessible and operational throughout the project.
- Continued direct outreach to property owners whose canal-side seawalls showed signs of deterioration. As a result of these notifications, we are pleased to report that five seawalls are now actively in process—either undergoing engineering design or already under repair. This reflects strong homeowner response to our safety advisories and ongoing distribution of inspection photographs and courtesy reminders. This outreach is proving to be very effective in helping homeowners understand the importance of deteriorating seawalls and docks,
- Annual rental renewal safety inspections remain a primary focus, with approximately 56 inspections completed this month. With more than 700 short-term rental properties requiring annual inspections, the program represents a significant operational responsibility for the department. The current inspection cycle is providing valuable data on staffing, scheduling, and inspection times, and staff are evaluating opportunities to streamline and improve the renewal inspection process for next year.
- The Building Department is working closely with the City Administrator and legal counsel to implement the requirements of HB-803. Staff are reviewing the new state mandates, updating internal permitting procedures, and preparing related code amendments to ensure full compliance as the legislation takes effect.
- Professional development remains ongoing. I recently passed my third State Board examination and am currently preparing for the fourth and final examination required by the Florida Department of Business and Professional Regulation.
- Within the last month we have only had one stop work order for unpermitted work. That has been resolved.

Samantha Rodamer – Building Assistant

- Permits Issued: 55
- Permits Closed: 50
- Conducted 62 vacation rental inspections.
- Reviewed permit applications for completeness.
- Received, coordinated, and completed sewer locates with US Water.
- Responded to questions regarding received property inquiry forms.

- Completed record request as needed.
- Scheduled a multitude of inspections & organized Building Official's daily inspection schedule.
- Completed multiple Contractor Registrations and updated previously registered Contractor's records.
- Organized a mailing list & community outreach documents to meet our yearly CRS requirements.
- Aided contractors and owners with permit-related questions.
- Attended the Annual Milestone Inspection Reporting Webinar provided by DBPR.
- Attended August City Hall construction progress meetings.
- Managed and maintained a detailed log of inspections completed on the City Hall construction project as well as the reports submitted from the specialty inspector. Provided this log monthly to the proper individuals as well as shared individual inspection reports as they were received.
- Attended FIRM's Insurance Town Hall at the MC Government Center along with the Building Official and City Administrator.
- Managed and input all rental inspection reports. This includes reaching out and following up with all inspections already conducted who did not meet all passing requirements.
- Completed the schedule for all remaining vacation rental inspections.
- Organized and provided documents from the Building Department to be added to meeting agendas.
- Successfully completed all pre-requisite courses for my Fire Inspector certification totaling 225 hours of education. The application process has now begun for approval to take the state exam.
- Continued working with our permitting system to create reports & streamline permit deadlines.
- Provided monthly closed permits list to MCPA.
- Attended the August Planning & Zoning Board and Commission meetings.
- Supported the City Clerk in the efforts to have our city archives fully scanned.
- Worked with the City Administrator, Legal, and Building Official to finalize updated to Floodplain Ordinances as well as ordinance updates in regard to HB 803.

City Hall Staff Report

Report for September 17, 2026 – City Commission Meeting

City Clerk Silvia Roussin

- As of September 9, 2026, the City has not received a decision regarding the CDBG Grant Application.
- Received verbal confirmation that the TDC grant reimbursement requests for the Pickleball Shade and Bait Preparation Station projects were approved; reimbursement checks are pending.
- The Shelter Bay Improvement Project is complete, and the grant has entered the closeout process.
- The Invitation to Bid for the Cleaning and Camera Inspection of Sewer Lines has been drafted, with a recommendation to the City Commission anticipated in October.
- The official population estimate was released, reflecting a 2026 population of 800, an increase of 10 residents since 2020.
- The electronic archival and records conversion project continues, with the contractor currently developing an application to improve access and document management.
- The Lift Station Improvement bid and recommendation to award are on the City Commission's September meeting agenda for consideration.
- The Wastewater Plant Painting Project bid is currently being drafted, with a recommendation anticipated in November.
- Senator Rodriguez and State Representative Mooney visited the City on September 9 and presented a \$475,000 appropriation check for the Emergency Generator Replacement Project.
- Sunset Park Beach is now included in bi-weekly water testing and has reported good water quality as of September 8th. The next test is scheduled for September 22nd.
- New Plant Operator Danny Price has started and is receiving training from U.S. Water and Public Works Department Head Mike Guarino.
- Attended the quarterly Monroe County City Clerks Association meeting and met with Clerks from Key West, Marathon, Layton, and Islamorada.
- Completed staff evaluations and merit pay recommendations.
- Continued providing guidance to candidates regarding campaign treasurer reports and required filing deadlines.
- Completed monthly U.S. Census Bureau reporting related to construction costs for City Hall and the Retention Pond.
- Attended City Hall Construction Progress Meetings, coordinated with City staff and the contractor, and provided ongoing administrative support.
- Attended the KCB 70th Birthday Committee meeting and assisted with administrative tasks.
- Completed public notice requirements for Code Amendments and bid solicitations.
- Prepared for and attended Utility Board, Beautification Committee, Recreation Committee, and City Commission meetings and completed the corresponding meeting minutes.
- Provided residents with updates and notices regarding current City events and activities.
- Attended the monthly legal meeting with the Mayor and City Administrator.
- Responded to citizen correspondence and public records requests in accordance with statutory requirements.
- Processed payroll reports, ACH transactions, FRS and IRS reporting, and wire transfers.
- Managed general correspondence and ongoing human resources responsibilities.

City Hall Staff Report

Report for September 17, 2026 – City Commission Meeting

Administrative Assistant/Business Tax Licenses Par Darnall

- Conducted the Property Manager Class on September 1, including preparation, coordination, and issuing Certificates of Completion to qualified attendees.
- Processed and issued 2025–2026 rental licenses, ensuring applications were complete and compliant. Processed both short-term and long-term rental licenses, including trailer rentals.
- Managed and processed multiple property owner transfer applications.
- Facilitated and provided technical support for Zoom meetings, including Beautification, Recreation, Utility, Planning & Zoning, City Commission, 1st Public budget hearing
- Provided Front Desk coverage during staff absences and assisted residents and visitors with general inquiries.
- Added new contracts and agreements to the tracking spreadsheet and updated the City calendar accordingly.
- Continued processing 2026–2027 rental license renewals by reviewing applications and separating incomplete applications from those that are ready for processing.
- 2026-2027 LTR/STR ISSUED- 258
- 2026-2027 LTR/STR submitted but not complete- 327
- 2026-2027 LTR/STR notice sent out but not submitted-116
- Participated in Teams calls and email correspondence with CitizenServe to identify and resolve issues related to the new rental license renewal process.
- Sent the monthly report to Silvia listing new property owners and provided copies of contracts and agreements that have expired or are scheduled to expire within three months.
- Assisted property owners and property managers with questions and issues related to the rental license renewal process and provided guidance on completing their applications and submitting the required documentation.

Administrative Assistant/Bookkeeper Linda Jones

- Reconciled all bank and credit card accounts, ensuring transactions, receipts, and supporting documentation were accurately recorded and maintained.
- Assisted Silvia with public records requests related to financial information and documentation.
- Prepared weekly wastewater aging reports to monitor outstanding balances.
- Processed incoming invoices, issued checks, scanned invoices into QuickBooks, and maintained appropriate filing records.
- Completed and recorded financial transfers, including building permit payments made by the City, as directed by Jennifer and Silvia.
- Worked directly with vendors to research and reconcile discrepancies between amounts billed and amounts owed.
- Processed sewer payments, applied payments to outstanding invoices, and maintained accurate account records.
- Assisted property owners with sewer billing questions and payments, including researching account information as needed.
- Continued training on the preparation of monthly warrant and summary reports.
- Prepared financial and budget reports for various departments, including Beautification and Recreation.
- Maintained the spreadsheet used to track Golf Course utility payments.
- Recorded semi-monthly payroll transactions in QuickBooks.

City Hall Staff Report

Report for September 17, 2026 – City Commission Meeting

- Provided Front Desk coverage and answered incoming telephone calls as needed.
- Recorded principal and interest payments on two City loans.
- Recorded and processed code citation payments.

Administrative Assistant/Front Desk Cheryl Baker

- Sold 25 short-term parking spots.
- No memorial tables or benches were purchased.
- Completed 16 property inquiries.
- Noted 6 drone flyovers for real estate agents.
- Recorded \$1.00 in KCBCA merchandise sales.
- Prepared the new Long-Term Boat Trailer Storage Application for Fiscal Year 2026–2027.
- Collected and distributed mail.
- Entered wastewater payments into QuickBooks.

Upcoming

09-29-2026 TDC DAC Review Meeting 9:30 AM
10-02-2026 CCTV Sewer Lines Opening – City Hall
10-04 to 10-07-2026 FACC City Clerk's Conference
10-08-2026 Recreation Committee Meeting Zoom Only 10:00 AM
10-12-2026 Columbus Day – City Hall Closed
10-13-2026 Beautification Committee Meeting 10:00 AM Key Colony Inn
10-20-2026 Utility Board Meeting 10:00 AM Key Colony Inn
10-21-2026 Planning & Zoning Board Meeting 10:00 AM Key Colony Inn
10-22-2026 City Commission Meeting 10:00 AM Key Colony Inn

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the Healthiest State in the Nation

Press Release: Wednesday, September 9th, 2026

Issued by: The Florida Department of Health in Monroe County
To: Residents and Visitors of the Florida Keys

Beach water quality testing performed by the Florida Department of Health in Monroe County has indicated **elevated** levels of enteric bacteria (enterococci) in the near shore waters at the following beaches: **Jonh Pennekamp State Park Beach** located in Key Largo, **Founder's Park Beach**, **Islamorada Library Beach & Ann's Beach** all three located in Islamorada; **Higgs Beach**, **South Beach & Simonton Beach** all three located in Key West. Advisories have been issued for these locations.

The presence of enteric bacteria is an indication of fecal pollution, which may come from storm water runoff, pets, wildlife and human sewage. These bacteria may cause human disease, infections, or rashes. The Department of Health advises the public not to swim or practice other water-related activities in the near shore waters at these locations. This notice will remain in effect until bacteriological results show that the water is safe for such purposes.

The purpose of the Healthy Beaches Monitoring Program is to determine Florida's beach water quality.

NAME	CITY	ENTEROCOCCUS	WATER QUALITY	ADVISORY?
ANNE'S BEACH	ISLAMORADA	84	POOR	YES
BAHIA HONDA BAYSIDE BEACH	BIG PINE KEY	1	GOOD	NO
BAHIA HONDA OCEANSIDE BEACH	BIG PINE KEY	1	GOOD	NO
BAHIA HONDA SANDSPUR BEACH	BIG PINE KEY	1	GOOD	NO
COCOPLUM BEACH	MARATHON	1	GOOD	NO
CURRY HAMMOCK S.P BEACH	MARATHON	1	GOOD	NO
FOUNDERS PARK BEACH	ISLAMORADA	135	POOR	YES
FT ZACHARY TAYLOR S.P. BEACH	KEY WEST	20	GOOD	NO
HARRY HARRIS PARK BEACH	KEY LARGO	41	GOOD	NO
HIGGS BEACH	KEY WEST	75	POOR	YES
ISLAMORADA LIBRARY BEACH	ISLAMORADA	120	POOR	YES
JOHN PENNEKAMP S.P. BEACH	KEY LARGO	1354	POOR	YES
SIMONTON BEACH	KEY WEST	87	POOR	YES
SMATHERS BEACH	KEY WEST	10	GOOD	NO
SOMBRERO BEACH	MARATHON	52	MODERATE	NO
SOUTH BEACH	KEY WEST	344	POOR	YES
SUNSET PARK BEACH	KEY COLONY	1	GOOD	NO
VETERAN'S BEACH	BIG PINE KEY	1	GOOD	NO

Water quality classifications are based upon:

Florida Department of Health

Community Health Services • Bureau of Environmental Health
3333 Overseas Highway • Marathon, FL 33050
PHONE: (305) 676-3971

FloridaHealth.gov



Accredited Health Department
Public Health Accreditation Board

Mission:

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Vision: To be the Healthiest State in the Nation

United States Environmental Protection Agency's (EPA's) recommended criteria for enterococci is:

Good 0-35 Enterococcus sp. per 100 ml of marine water

Moderate 36-70 Enterococcus sp. per 100 ml of marine water

Poor 71 or Greater Enterococcus sp. per 100 ml of marine water

An Advisory is issued for a beach that samples in the "Poor" range of the EPA standards.

This should be considered a potential health risk to the bathing public.

If you have questions, please visit the Department of Health's Internet Beach Water Quality website at: www.tinyurl.com/monroebeaches, scroll to the bottom of the page or visit <http://www.floridahealth.gov/index.html>, click on "Environmental Health", select "Beach Water Quality", the Florida Healthy Beaches Program opens, scroll down and select Monroe County for your Beach Water Sampling Results for this test period.

Thank you, Bureau of Environmental Health

Florida Department of Health

Community Health Services • Bureau of Environmental Health
3333 Overseas Highway • Marathon, FL 33050
PHONE: (305) 676-3971

FloridaHealth.gov



Accredited Health Department
Public Health Accreditation Board

MINUTES

KEY COLONY BEACH CITY COMMISSION REGULAR MEETING & PUBLIC HEARING

Thursday, August 20th, 2026, 10:00 AM

At the temporary meeting place for the City of Key Colony Beach
The Key Colony Inn – Back Patio, 700 W. Ocean Drive, Key Colony Beach, Florida
& via Zoom Conferencing

1. **Call to Order, Pledge of Allegiance, Prayer, & Roll Call:** The Key Colony Beach City Commission meeting was called to order by Mayor Freddie Foster at 10:00 AM, followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Freddie Foster, Vice-Mayor Doug Colonell (via Zoom), Commissioner Tom Harding, Commissioner Tom DiFransico (via Zoom), Commissioner Kirk Diehl. **Also present:** City Attorney Jimmie Hicks, City Administrator John Bartus, Building Official Tony Lorenzo, Public Works Department Head Tony Lorenzo, Chief of Police Jamie Buxton, Marathon Fire Marshall Mike Card, Planning & Zoning Board Chair George Lancaster.
2. **Approval of the Agenda** *(Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote)*

City Clerk Roussin informed of the following agenda additions:

- 7i. Addendum to items 1, 3, and 4.
- PCO 014 Rv. 004, revised 10-18-26, Replace Ductwork at Marble Hall for \$26,888.73
- PCO 021 R2, revised 08-18-26, Replace Existing AHU – West for \$20,965.08
- PCO 022, 08-17-26, Pergola for \$144,228.00
- New item 5. PCO 017R1, revised 07-20-26, Data Site Conduit for \$4,065.25
- New Item 6. PCO 018, 06-12-2026, Replace Existing AHU – East for \$19,222.83
- Addendum to 7f. Recommendation by the Planning & Zoning Board regarding 400 Sadowski Causeway
- Addendum to 7g. Recommendation by the Planning & Zoning Board regarding 101 E. Ocean Drive
- 11a. Commissioner Harding: The addendum of August 17, 2026, Wastewater Report

Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner DiFransico asked for Consent Agenda Item 6d to be moved to Discussion Action items.

MOTION: Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Commissioner Harding and Commissioner Colonell thanked staff for their work on the agenda and supporting documents.

3. **Special Requests:** None.
4. **Citizen Comments and Correspondence**

City Clerk Roussin informed of the following correspondence:

July 20, 2026: Gail Alter wrote to the Recreation Committee and City Commission expressing appreciation for the improvements made to the golf course and the renewal of Daryl Rice's contract.

July 22, 2026: Dick Harper wrote to the City Commission regarding a potential prosecution and settlement agreement concerning 680 11th Street.

August 13, 2026: Lynne Benton wrote to the City Commission suggesting the creation of a newsletter for Key Colony Beach.

There were no citizen comments.

5. Committee and Department Reports *(written reports provided; Staff and Board Chairs available for questions)*

a. Marathon Fire/EMS – Fire Chief Shana Rogers

Marathon Fire Marshal Card provided the statistical fire report for the previous month, reporting low numbers for the City. Mike Card informed the Commission that the grant for a fire boat was approved and that the boat is currently being built, with delivery expected at the end of October. Fire Marshal Card thanked the Commission for allowing Marathon to be part of the City.

b. Police/Code Enforcement – Chief of Police Jamie Buxton had nothing further, and Mayor Foster commended Chief Buxton for her report. Commissioner Diehl commended Code Officer Dreyer for her work in the code enforcement process.

c. City Administrator John Bartus reported that a grant supporting the fishing derby had been found and that work with the Chief on it was underway. Mayor Foster commended the Commission for securing funds in recent years, which had not been received before.

d. Public Works – Public Works Department Head Guarino: Mayor Foster commended Public Works Department Head Guarino for his work in the City and suggested an appreciation luncheon for the Public Works Department in September.

e. Building Department – Building Official Loreno added to his report on ongoing safety and seawall inspections.

f. City Hall – City Clerk Roussin

g. Beautification Committee – Chair Bachman

h. Planning & Zoning Board – Chair Lancaster

i. Recreation Committee – Chair Catto

Chair Catto discussed a letter from Vice-Mayor Colonell suggesting that the proposed basketball court location be reevaluated. Chair Catto stated that the Recreation Committee had thoroughly vetted the location and considered safety concerns related to the nearby pond. Chair Catto further stated that the Recreation Committee thoroughly reviewed the April 2025 recommendation and stood by its original recommendation. Chair Catto also deferred to additional letters from community members providing justification for the basketball court placement.

Chair Catto noted the Committee's concern about the transition of the golf course (management) and indicated that the Committee may have been ahead of the Commission in its planning. Chair Catto requested permission to move forward with workshops and opportunities for citizen comments later in the fall.

Mayor Foster thanked Vice-Mayor Colonell for his comments and said the Commission may not have been sufficiently sensitive to children's safety concerns. He suggested keeping the basketball court in the same general area and noted that additional landscaping could help address those concerns. Chair Catto suggested the Commission direct the Recreation Committee on the Golf Course transition, since the deadline is a little more than a year away. Mayor Foster thanked Cindy for her report.

j. Utility Board – Chair Swanson

6. **Consent Action Items** *(Under the consent agenda, all action items will be voted on after one motion, and a second will be required to approve them without discussion. If a Commission member wants any action item discussed or voted on separately, the Commission member, at the beginning of the open session, must ask that the action be moved to the discussion action item section.)*

- a. Approval of the following City Commission Meeting Minutes
 - 1. 07-13-2026 City Commission Budget Workshop
 - 2. 07-16-2026 City Commission Public Hearing
 - 3. 07-16-2026 City Commission Regular Meeting
- b. Approval of Warrant No. 0726 for \$1,496,237.10
- c. Approval of the Annual Iguana Control Invoice for 2026-2027 for \$15,600.00 (no price increase)

Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- d. Discussion/Approval of a Membrane Replacement Proposal from Veolia for \$383,220.00, per the Recommendation of the Utility Board

7. **Discussion Action Items**

- a. (6d) Discussion/Approval of a Membrane Replacement Proposal from Veolia for \$383,220.00, per the Recommendation of the Utility Board

Mayor Foster introduced the agenda item and asked Commissioner DiFransico for comment. Commissioner DiFransico described the proposal as well written and asked for legal review of the agreement's verbiage regarding terms and conditions, confidentiality requirements, and requirements for the City and US Water. Mayor Foster asked Commissioner Harding for comment. Commissioner Harding reported on successful past work between the City and US Water on prior membrane replacements and asked City Attorney Hicks to review the agreement. Commissioner Harding recommended approval by the City Commission, subject to City Attorney Hicks' approval and minor corrections, which Commissioner DiFransico agreed with. There was no further discussion, and Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- b. Discussion/Approval for a Recommendation to Award RFP 2026-04 for Storm Drain Cleaning Services
 - 1. RFP 2026-04
 - 2. Review Committee Recommendation

Mayor Foster introduced the agenda item and asked Public Works Department Head Guarino about his satisfaction with the recommendation, which Mike Guarino confirmed. Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner Diehl to approve. Commissioner Harding seconded the motion.

DISCUSSION: Vice-Mayor Colonell asked Public Works Department Head Guarino about additional scoping after the lines were cleaned and the work was completed. Public Works Department Guarino confirmed that pictures would be taken of areas needing debris removal and that debris would be removed generally at no cost to the city.

ON THE MOTION: Rollcall vote. Unanimous approval.

- c. Discussion/Approval for the 2026 Watershed Management Plan
 - 1. Changes to Previous Plan
 - 2. 2026 Watershed Management Plan

Erin Deady, Planner and Attorney, provided an overview of the 2026 Watershed Management Plan and noted that the grant-funded project is nearing completion. She explained that the plan is intended to assist the City with the Community Rating System (CRS), which can help reduce flood insurance premiums. Ms. Deady reviewed the CRS program, including its class structure, discounts, and rating system, noting that lower ratings provide greater benefits. She explained that the plan includes stormwater system modeling inputs, stormwater master-planning information, and recommendations developed through the Florida grant program, which provides 75% matching funds to help communities complete plans and improve flood insurance discounts. She noted that a Class 5 rating or lower requires a Management plan and cited Monroe County's work as one of the first communities to advance beyond that threshold. Ms. Deady further explained that the plan must be updated every five years, with the next update due in 2031.

Ms. Deady stated that grant deliverables have been completed and that CRS criteria were updated in 2021 and 2025. She explained that the City may transmit the plan to receive credit and reviewed the point system and the City's allocation of points. She discussed elevating structures, installing additional injection wells, and elevating roadways on Sadowski Causeway as part of three recommended physical projects in the plan. She also noted recommended comprehensive plan updates related to tidal flooding, shoreline ordinance updates, and other regulations and policies. Ms. Deady clarified that the plan includes recommendations and does not require the City to implement each item. Commissioner Harding commented on the City's stormwater history and suggested adding additional language to that history; Ms. Deady stated she would be happy to do so. She advised that the Commission could approve the plan with the requested change and deferred to legal on implementation. She also provided additional information regarding possible grant opportunities for roadway elevations and sea-level rise planning studies. Mayor Foster stated that the plan is a valuable tool for the City's master planning, increases the City's ability to pursue additional grants, and helps reduce costs while strengthening the City's ability to protect itself. Ms. Deady agreed that the plan reflects a long-term effort and works well with assessments the City has already completed. Mayor Foster voiced confidence in reaching a CRS level 5 and in the Management Plan adding to the City's toolbox. Commissioner DiFransico commented on the detailed flooding analysis and the amount of work that went into the plan. He noted that Clara Boulevard and Coral Lanes were not included in the analysis and requested a professional opinion on whether those areas are sensitive enough to be addressed at the same time as Sadowski improvements. Ms. Deady explained that, through the County partnership, the vulnerability assessment is being updated, with each municipality receiving a detailed review of priority projects. She noted that the roads analysis may already include relevant data. City Administrator Bartus stated that he would be happy to work with the group on this matter. Vice-Mayor Colonell thanked Ms. Deady for her work and report.

MOTION: Motion made by Commissioner Harding to approve, with the small edit he provided to Erin Deady for updating. Commissioner Diehl seconded the motion.

DISCUSSION: City Clerk Roussin confirmed that the edit is the addition of Stormwater history, as recommended by Commissioner Harding.

ON THE MOTION: Rollcall vote. Unanimous approval.

- d. Discussion/Approval for a 1-Year Permit Extension Request for 880 Shelter Bay Drive
 - 1. Extension Request
 - 2. Current Permit

Mayor Foster introduced the agenda item and asked Building Official Loreno to elaborate. Building Official Loreno confirmed that the current permit is expiring next month and does not qualify for tolling. Mayor Foster asked for a motion to approve the extension.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

DISCUSSION: Commissioner Harding asked for clarification that the extension fee is 10 percent per month, not a 10 percent total fee. Building Official Loreno confirmed that the fee was clarified, resulting in the extension letter request.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster cautioned Building Official Loreno to inform the owner of the consequences of exceeding the approved extension and of the city's ordinances. Commissioner Harding asked for a letter to be on file, which Building Official Loreno confirmed was on file.

e. Discussion/Approval of the Florida Keys Stewardship Act Funding Distribution Agreement for \$7,500,000

Mayor Foster spoke about the Stewardship Act, noting that 20 million dollars had been allocated to the County to be divided among 8 entities in the County, and that an agreement had been reached to fund the City's needs, with 1.5 million dollars secured each year for the next 5 years, provided legislative funding is approved. Mayor Foster thanked the staff and the City's engineering firm for putting together shovel-ready projects and for providing the necessary language. Mayor Foster further discussed the meeting and the process of securing funding, and asked for a motion to approve the agreement.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

DISCUSSION: Commissioner Harding thanked the Mayor and staff, as well as CPH Engineer Jason Shepler, for addressing the City's needs and for understanding the funding required for needed city projects. Commissioner Diehl echoed Commissioner Harding's comments.

ON THE MOTION: Rollcall vote. Unanimous approval.

f. Discussion/Approval of the \$250,000 Funding Request to the FDEP for the Key Colony Beach Restoration and Protection Project, which requires a 50% (\$125,000.00) match of City funding

Mayor Foster introduced the agenda item and invited Commissioner Harding to speak. Commissioner Harding explained the funding request for the Key Colony Beach Restoration and Protection Project, including beach restoration and improvements at Sunset Park. He stated that the request presents a strong opportunity for grant funding and that the required local match is currently a placeholder, with possible private contributions and state appropriations to be pursued. Commissioner Harding noted that state representatives had been receptive to the proposal. Mayor Foster provided background on the funding opportunity for shoreline improvements and stated that the project could provide Category 3 and Category 4 storm protection, benefit nesting turtles, and help protect City infrastructure, including streets, sewer, and stormwater systems. He stated that the City has a strong story to present and noted that he has met with representatives from the Florida Department of Environmental Protection. Mayor Foster further stated that the project would benefit land improvements, the beach, and infrastructure protection. He referenced Blue Terra and encouraged review of the company's shoreline-protection concepts. He explained that the funding request would allow the City to move forward with a wave study and that, if sufficient data can be demonstrated, future construction and implementation opportunities may be available. Mayor Foster asked for approval and encouraged the public to reach out for additional information.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

DISCUSSION: Commissioner DiFransico asked for clarification on the request to cover only the engineering portion and for the city to issue an RFP for the engineering and wave study. Mayor Foster advised that the company will complete the wave study, and Commissioner Harding added that the project be single-sourced to the university, which has done the majority of the studies.

ON THE MOTION: Rollcall vote. Unanimous approval.

g. Discussion/Approval of a Request for a minor site plan amendment for the property located at 400 Sadowski Marina, Restaurant and Shopping Center, per the Recommendation of the Planning & Zoning Board

1. Building Official Recommendation
2. Site Plans
3. Planning & Zoning Board Recommendation

Mayor Foster introduced the agenda item and asked Planning & Zoning Board Chair Lancaster to elaborate. Chair Lancaster reported that the Board had recommended approval. Mayor Foster added that the request is a simple one, moving a dumpster from one location to another to improve a private property and boat dockage. Mayor Foster thanked Jim Figuardo, owner of 400 Sadowski Marina and Restaurant, for his willingness to move the dumpster.

There was no further discussion, and Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Commission thanked Jim Figuaro for his willingness to work with the neighbors.

- h. Discussion/Approval of a 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, per the Recommendation of the Planning & Zoning Board
1. Engineering Plans
 2. FDEP Approval
 3. Permit Application
 4. Letters of Neighbor Approval
 5. Code of Ordinances Sec. 5-41 to 5-44 regarding Boat Lifts
 6. Planning & Zoning Board Recommendation

Mayor Foster introduced the agenda item and asked Planning & Zoning Board Chair Lancaster to elaborate. Chair Lancaster reported that the Planning & Zoning Board had recommended approval of the request with no noted concerns.

Mayor Foster asked for a motion to approve.

MOTION: Motion made by Commissioner Diehl to approve. Commissioner Harding seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- i. Discussion/Approval of a Proposal by Komline-Harn for a 12-month Subscription of Komline's Operational Intelligence for \$9,600.00, per the Recommendation by the Utility Board
1. Utility Board Recommendation

Mayor Foster introduced the agenda item and asked Commissioner Harding to elaborate.

Commissioner Harding explained the proposal and its benefits for staff and the city, including data monitoring for maintenance, status, historical data, and plots. Commissioner Harding further explained the system's ability to support weather forecasting and to make recommendations for the RO system based on upcoming weather. Commissioner Harding recommended approval of the purchase, with the expenditure covered by the Wastewater budget.

MOTION: Motion made by Commissioner Diehl to approve. Commissioner Harding seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

- j. Discussion/Approval of Pedro Falcon Requests for Change Orders:
1. PCO 014 Rev 003 Replace Ductwork at Marble Hall - \$26,888.73 (Time not defined)
 2. PCO 020 Insulation at Existing Space - \$28,118.75(Contract Time Extension 5 Days)
 3. PCO 021 Replace Existing AHU – 002 - \$20,965.08 (Time not defined)
 4. PCO 022 F&I Pergola - \$142,800.00 (Exempted from Schedule & Substantial Completion)
 5. PCO 017R1, revised 07-20-26, Data Site Conduit for \$4,065.25 **Addition
 6. PCO 018, 06-12-2026, Replace Existing AHU – East for \$19,222.83 **Addition

Mayor Foster introduced the agenda item and asked Vice-Mayor Colonell to elaborate. Vice-Mayor Colonell explained the requested change orders, including scope, agreed-upon time extensions, and costs, and recommended approval of all six requested change orders.

MOTION: Motion made by Mayor Foster to approve PCO 14, 17, 18, 20, 21, and 22. Commissioner Harding seconded the motion.

DISCUSSION: Commissioner Harding asked for plans for a pergola for the City Staff porch. Vice-Mayor Colonell added that the just-approved pergola would be very nice but expensive and recommended a large umbrella for the staff, noting that an additional quote could be obtained. The Commission agreed that the umbrella would be sufficient for the staff patio.

ON THE MOTION: Rollcall vote. Unanimous approval.

Vice-Mayor Colonell informed that all approved change orders be formally presented as change order number 2.

8. Ordinances & Resolutions:

- a. **SECOND and FINAL READING OF ORDINANCE 2026-514:** An Ordinance of the City of Key Colony Beach, Florida, amending Chapter Six of the Code of Ordinances, entitled Buildings, Article II. Dangerous Structures, amending Section 6-37 Certification and Recertification of Existing and Future Multi-Story Structures, and providing for Codification, repealing any inconsistent provision, providing for severability, and providing an effective date.

1. Ordinance 2026-514
2. Business Impact Statement
3. Proof of Publication

Mayor Foster provided the second and final reading of the ordinance and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Ordinance was adopted.

- b. **FIRST READING OF ORDINANCE 2026-515:** An Ordinance Of The City Of Key Colony Beach, Florida; Amending Chapter Fourteen Of The Code Of Ordinances, Entitled Sewers And Sewage Disposal, Section 14-6 Monthly Rates And Charges, And Providing For Codification; Repealing Any Inconsistent Provisions; Providing For Severability; And Providing An Effective Date.

Mayor Foster provided the first reading of the ordinance and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the second reading will be held on September 17, 2026.

- c. **RESOLUTION 2026-04:** A Resolution Of The City Of Key Colony Beach Board Of Commissioners, Florida, Adopting the 2026 County Watershed Management Plan; Providing For An Effective Date.

Mayor Foster provided the reading of the Resolution and asked for a motion to approve.

MOTION: Motion made by Commissioner Harding to approve. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Resolution was adopted.

- d. **RESOLUTION 2026-11:** A Resolution Of The City Commission Of The City Of Key Colony Beach, Florida, Supporting The Key Colony Beach Restoration And Protection Project; Authorizing The City To Serve As The Local Sponsor For A Florida Department Of Environmental Protection Beach Management Funding Assistance

Program Grant Application And To Apply For The Same; Committing Local Matching Funds; Authorizing The Mayor And City Administrator To Execute All Necessary Documents; And Providing For An Effective Date.

Mayor Foster provided the reading of the Resolution and asked for a motion to approve.

MOTION: Motion made by Commissioner Diehl to approve. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Resolution was adopted.

9. Secretary-Treasurer's Report

a. July 2026 Financial Summary

Commissioner Harding presented the July 2026 Financial Summary. He reported that overall revenues remained favorable and that total expenses were close to budgeted projections. Commissioner Harding noted that the Building Department remained in strong financial standing; the City Hall Hardening Grant had been fully utilized, and the full reimbursement had been received; TDC reimbursement requests had been submitted; and City Hall loan payments had begun. Commissioner Harding further reported that the Wastewater Budget income was tracking close to projections; however, expenses were over budget due to sludge hauling and plant maintenance. He stated that the year-end balance may be negative and recommended continued evaluation of available options, including in-house sludge processing, and suggested an engineering analysis from CPH estimated at approximately \$15,000. Mayor Foster asked for a motion.

MOTION: Motion made by Commissioner Harding to approve an engineering analysis not to exceed \$15,000.00. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

b. FY26/27 Final Budget Review

Commissioner Harding reviewed the final budget and thanked Fred Swanson for identifying several errors, which have since been corrected. He reported that no additional edits were needed at that time, except for minor updates to grant information. He noted that health insurance costs are expected to increase by 15% next year, while dental insurance costs are expected to remain unchanged. Commissioner Harding further stated that grant information continues to change as the City remains active in pursuing grants, and that Fire/EMS figures were still pending. He added that any new information received before the September meeting would be incorporated as appropriate.

10. City Attorney's Report

City Attorney Hicks reported on matters related to the City Hall slab and pin piles with the previous contractor, King's Enterprises, and on authorization to proceed with demand discussions. Vice-Mayor Colonell stated that the City had been affected by project delays and should seek damages, including approximately 56 lost days at \$1,500 per day. City Attorney Hicks confirmed that the requested amount was included in the approximately \$300,000 figure under discussion. He clarified that the matter involved negotiations and was not a lawsuit or litigation at that time. Mayor Foster agreed to proceed as discussed and asked for a motion to proceed.

MOTION: Motion made by Vice-Mayor Colonell to proceed. Commissioner Diehl seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

11. Commissioners' Reports & Comments

a. Commissioner Harding

1. Wastewater Sampling Weekly Report for August 17, 2026

Commissioner Harding presented the Wastewater Sampling Weekly Report for August 17, 2026. He reported that July recorded the highest wastewater COVID numbers observed to date in the city, while statewide numbers were slightly increasing. He noted that CDC wastewater monitoring funding was available through mid-September, with no further updates yet on the program's continuation. Commissioner Harding stated that recent spikes had declined and explained that wastewater trends can take about three weeks to appear in reported data. He also discussed the wastewater plant painting project, including staff requests for quotes for two steel and cement tanks. Vice-Mayor Colonell asked about supervision of the work. Commissioner Harding explained that Sherwin-Williams would provide three local inspections for the ten-year paint warranty and that a city designee would also be present during inspections. Vice-Mayor Colonell appreciated the clarification and offered to assist if he is in town.

b. Commissioner Diehl

1. Key Colony Beach 70th Birthday Committee Update

Commissioner Diehl provided an update on planning and organization for the City's 70th birthday celebration. He reported that planned events would run from Wednesday through Sunday and include sporting events and activities such as fishing, golf, bocce, mahjong, a Hot Dogs in the Park event, a Commissioners' breakfast, and a parade. He stated that additional information would be provided in September. Mayor Foster expressed appreciation to Restaurant and Marina Owner Jim Figuardo and provided background on the idea for the celebration. He also complimented the Community Association shirt design by Jan Pflueger. Vice-Mayor Colonell asked about fireworks, and Commissioner Diehl stated that fireworks were tabled for the time being and that the location remained under discussion. Commissioner Diehl thanked the committee for its work and said the celebration would be significant for the community.

c. Commissioner DiFransico – Nothing further.

d. Vice-Mayor Colonell

1. City Hall Update

Vice-Mayor Colonell acknowledged and thanked Commissioner Harding for his work on the sewer plant, including his work with the Utility Board and his efforts to improve the plant.

Vice-Mayor Colonell also acknowledged Mayor Foster for his leadership and work on grants, stating that the Mayor represents the City well and that grant funding allows the City to continue moving forward.

Vice-Mayor Colonell apologized to the Recreation Committee and explained that his comments about the basketball court location stemmed from concerns about the nearby pond and potential dangers to children. He said prior discussions had considered a fence, which had since been eliminated, and noted that the basketball surface was proposed to be green with no fence. He also referenced David Evangelista and said additional landscaping or vegetation may be possible to help address safety concerns.

Vice-Mayor Colonell provided a City Hall update. He reported that electrical work was progressing slowly due to water-tightness issues. He stated that trusses were expected within the next few days and that their arrival would allow other construction activities to move forward. He reported that concrete work was nearly complete, pads were in place, windows had been installed on the second floor, stucco work was underway, the elevator was on hold pending trusses and permanent power, water work was completed, electrical work inside Marble Hall had been cleaned up with new power feeds for new units, and interior framing was expected to begin on Monday. He noted that work was proceeding out of sequence to keep the project moving. Vice-Mayor Colonell stated that the project was at day 254 of 322, with approximately 80 days remaining for the contractor, and referenced potential change orders for the sidewalk, planters, and railings. Mayor Foster requested two dedicated 20-amp receptacles for the band stand, and Vice-Mayor Colonell stated that he would follow up.

Vice-Mayor Colonell reported that the sailfish project was progressing well and that the design had been forwarded to Kyle at CPH for structural engineering review. He stated that the diamond was in fabrication. He noted that Sandy Bachman had proposed adding a fountain and that the matter would be left to Ms. Bachman and her

Committee, with donations encouraged. Commissioner Diehl commented on the possible need for water and electric service for future plans. Vice-Mayor Colonell stated that project plans had evolved, noting that water and electric lines could be installed if needed and that City RO water could be used. Commissioner Diehl referenced the Ocean City fountain as an example of a successful feature, and Vice-Mayor Colonell commented on the sailfish's historic importance to the City.

2. Re-evaluation of Basketball Location – see above.

e. Mayor Foster

1. Grant Update

Mayor Foster provided a grant update, clarifying that it was not intended as a project update. He discussed grant funds received and upcoming grant opportunities, noting that the City continues to seek no-match grants whenever possible. He stated that grant funding supports beautification and public safety efforts and identified the sewer plant as a significant ongoing need requiring time and funding. Mayor Foster invited anyone with questions to contact him for additional information.

Mayor Foster reported that he had been inducted onto the Board of the League of Mayors and would provide additional information on upcoming matters. He thanked the Commissioners and staff for their work.

12. Citizen Comments

Mr. Sanchez, 880 Shelter Bay Drive, addressed the Commission regarding the permit extension request. He discussed permit tolling and stated that he believed he qualified under executive orders issued in prior years. He commented on issues involving an outflow pipe that he stated the owner had not been aware of and indicated that the electric company also had no knowledge of the matter. Mr. Sanchez further stated that he had requested records and believed some records had been withheld. He also commented on changes to building ordinances and stated that the work had been delayed. Mr. Sanchez requested that the City review the tolling issue before making a final decision.

13. Adjournment: The meeting adjourned at 12:00 PM.

Respectfully submitted,

Silvia Roussin
City Clerk

CITY OF KEY COLONY BEACH

Warrant Number	0826
Items paid from	August 1, 2026
to	August 31, 2026
First Horizon Checking Account - 6871	\$603,295.93
(includes all vendor payments for general, road, building and infrastructure)	
Escrow Account - 5537	-
Payroll Account - 2942	\$131,019.18
Fishing Derby Account-3282	\$452.69
Infrastructure Reserve Account - 8644	\$ -
Infrastructure Loan Account #2691	\$ -
Road Reserve Account - 8677	16,109.01
Impact Fees Reserve Account - 8669	15,600.00
First State Bank Reserve Account - 3703	-
Sewer Money Mkt - 0301	-
Stormwater Checking Account - 0128	\$359,811.71
Sewer Account - 6006	\$62,541.35
TOTAL DISBURSEMENTS	\$1,188,829.87

Wine

589-017



City of Marathon
 Finance Department
 9805 Overseas Highway
 Marathon, Florida
 (305) 743-0033 Fax (305) 743-3667

Date August 19, 2026

INVOICE

Due upon receipt

Client City of Key Colony Beach
 Attn: City Clerk
 P.O. Box 510141
 Key Colony Beach, FL 33051-0141

Reference Interlocal Agreement for Emergency Medical and Fire Rescue Svcs

Description	Amount
Capital Infrastructure Funds per Interlocal Agreement	
Fiscal Year End 9/30/26	\$ 25,000.00
Total	\$ 25,000.00

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF MARATHON
AND
THE CITY OF KEY COLONY BEACH
PROVIDING FOR DELIVERY OF
EMERGENCY MEDICAL & FIRE RESCUE SERVICES**

This Interlocal Agreement (hereinafter, the "AGREEMENT") is made by and between THE CITY OF MARATHON, a municipal corporation of the State of Florida (hereinafter called "MARATHON"), and THE CITY OF KEY COLONY BEACH, a municipality of the State of Florida (hereinafter called "KEY COLONY BEACH").

WHEREAS, originally initiated on August 8th of 2017, MARATHON and KEY COLONY BEACH entered into an AGREEMENT for the CITY OF MARATHON to provide fire rescue and emergency medical services within and adjacent to the municipal boundaries of KEY COLONY BEACH; and

WHEREAS, Marathon and the Key Colony Beach desire to reestablish and continue the relationship between the parties for the delivery of fire rescue and emergency medical services within the municipal boundaries of Key Colony Beach to September 30, 2027, subject to annual renewal or appropriation; and

WHEREAS, the term of this Agreement is set, by mutual agreement it may be either dissolved or extended; and

WHEREAS, the annually adjusted amount to be paid as part of the AGREEMENT will be based upon actual cost of service whose estimate will be provided annually Marathon to Key Colony Beach; and

WHEREAS, consideration of the amount to be paid in future years will be at the discretion of the City of Marathon, but with deliberative discussions between the parties,

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms and conditions set forth herein, MARATHON and KEY COLONY BEACH do hereby agree as follows:

1. An AGREEMENT is hereby established between the City of Marathon and the City of Key Colony Beach for Marathon to provide fire rescue and emergency medical services within and adjacent to the municipal boundaries of Key Colony Beach.
2. The expiration of the AGREEMENT is hereby established as September 30, 2027, subject to annual renewal or appropriation. With the approval of both parties the AGREEMENT may be either dissolved or extended.
3. The amount of the AGREEMENT for FY 2024/2025 shall be \$937,000. This amount may be paid in quarterly increments.
4. The amount of the AGREEMENT in future years will be collaboratively discussed and be based upon actual cost estimates developed by Marathon and provided to Key Colony Beach.
5. This AGREEMENT will become effective upon the authorized signature of both parties.

[Signatures on the following page.]

IN WITNESS OF, the parties hereto have executed this Extension as of this 17th day of September, 2024.

ATTEST:

CITY OF MARATHON


Diane Clavier, City Clerk

By: 
George Garrett, City Manager
Date: 

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**


Steve Williams, City Attorney

ATTEST:

CITY OF KEY COLONY BEACH


Silvia Roussin, City Clerk

By: 
Joey Raspe, Mayor
Date: 

APPROVED AS TO FORM AND LEGALITY:


Dirk Smits, City Attorney

HLMP Lift Station Resiliency Improvements

City of Key Colony Beach, Florida

HLMP Project No. DEM-HL00136

HLMP Agreement No. B0279

CPH Project No. M060408.000

CPH Client No. 0604-08-1

August 2026

PROJECT MANUAL



BID SET

HLMP LIFT STATION RESILIENCY IMPROVEMENTS

CITY OF KEY COLONY BEACH, FLORIDA

HLMP PROJECT NO. DEM-HL00136

HLMP AGREEMENT NO. B0279

Project No. M060408.000
Client No. 0604-08-1
August 2026

**HLMP LIFT STATION RESILIENCY IMPROVEMENTS
CITY OF KEY COLONY BEACH, FLORIDA**

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EXHIBITS

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SECTION 00111
PUBLIC NOTICE
RFP No. 2026-05
HLMP LIFT STATION RESILIENCY IMPROVEMENTS
CITY OF KEY COLONY BEACH, FLORIDA

Sealed Bids for the construction of the HLMP Lift Station Resiliency Improvements project will be received by the City of Key Colony Beach, Florida, at the office of the City Administrator, Key Colony Beach City Hall, 600 West Ocean Drive, Key Colony Beach, Florida 33051, until August 25, 2026, at 2:00 p.m. local time. At that time, the Bids received will be publicly opened and read aloud.

The Project includes the following Work: Relocation of ten existing wastewater lift station control panels on existing power poles; replacement of two control panels; installation of control panels at least one foot above the FEMA 100-year flood elevation; electrical modifications including conductors, conduit, demarcation boxes, and telemetry improvements; replacement of float systems; coordination with the Florida Keys Electric Cooperative (FKEC) for relocation of ten electric meters; and all labor, materials, equipment, testing, restoration, and appurtenant work necessary to complete the project.

Bids are requested for the following Contract: HLMP Lift Station Resiliency Improvements.

The Issuing Office for the Bidding Documents is: CPH Consulting, LLC, 580-1 Wells Road, Orange Park, Florida 32073, (904) 278-0030. Prospective Bidders may access and download the Bidding Documents online at www.cphcorp.com upon submission of contact information and registration as a Plan Holder. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for any full or partial set of Bidding Documents, including any addenda, obtained from sources other than the Issuing Office.

A Pre-Bid conference will not be held.

Bid Protest: Any person who files an action protesting the solicitation specifications or a decision or intended decision pertaining to this solicitation pursuant to FS 120.57(3)(b), shall post with the City at the time of filing the formal written protest, a bond payable to the City of Key Colony Beach, Florida in an amount equal to 5 percent (5%) of the total estimated contract value, but not less than \$10,000 nor more than \$25,000, which bond shall be conditioned upon the payment of all costs which may be adjudged against the protester in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. In lieu of a bond, a cashier's check, or certified bank check, will be an acceptable form of security.

Failure to file a protest within the time or manner prescribed shall constitute a waiver of proceedings.

Any person who is adversely affected by the City's decision or intended decision concerning a proposal solicitation or a contract award shall file with the City Administrator a written notice of protest within seventy-two (72) hours after posting of the notice of the decision or intended decision. Saturdays, Sundays, and legal holidays shall be excluded in the computation of the 72-hour time periods. The formal written protest shall be submitted by the person within ten (10) days after filing the notice of protest. Failure to file a formal written protest shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. A protest is officially filed when it is received in the City. The formal written protest shall contain

the following: (a) name, address, and file or identification number, if known, of the affected agency. (b) Name and address of the affected party (c) a statement of the ultimate facts upon which the protest is based: and, (d) such other information as deemed relevant to the issue.

To be considered qualified, Bidder must be licensed to engage in the business of contracting in the State of Florida by the Construction Industry Licensing Board. In addition, the Bidder shall have successfully completed, as prime contractor, a minimum of 3 projects of a similar nature within the past 3 years.

The City of Key Colony Beach, Florida is an Equal Opportunity Employer.

Instructions to Bidders:

For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

END OF SECTION

SECTION 00200

INSTRUCTIONS TO BIDDERS FOR CONSTRUCTION CONTRACT

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00200-1

Instructions to Bidders

ARTICLE 1—DEFINED TERMS

- 1.01 Terms used in these Instructions to Bidders have the meanings indicated in the Agreement and other contract documents. Additional terms used in these Instructions to Bidders have the meanings indicated below:
- A. *Issuing Office*—The office from which the Bidding Documents are to be issued and which registers plan holders.

ARTICLE 2—BIDDING DOCUMENTS

- 2.01 Bidder shall obtain a complete set of Bidding Requirements and proposed Contract Documents (together, the Bidding Documents). See the Agreement for a list of the Contract Documents. It is Bidder's responsibility to determine that it is using a complete set of documents in the preparation of a Bid. Bidder assumes sole responsibility for errors or misinterpretations resulting from the use of incomplete documents, by Bidder itself or by its prospective Subcontractors and Suppliers.
- 2.02 Bidding Documents are made available for the sole purpose of obtaining Bids for completion of the Project and permission to download or distribution of the Bidding Documents does not confer a license or grant permission or authorization for any other use. Authorization to download documents, or other distribution, includes the right for plan holders to print documents solely for their use, and the use of their prospective Subcontractors and Suppliers, provided the plan holder pays all costs associated with printing or reproduction. Printed documents may not be re-sold under any circumstances.
- 2.03 Owner has not established a separate Bidding Documents Website. Bidding Documents will be distributed through the Issuing Office as stated in the Public Notice.
- 2.04 Bidder may register as a plan holder and obtain complete sets of Bidding Documents, in the number and format stated in the Public Notice, from the Issuing Office. Bidders may rely that sets of Bidding Documents obtained from the Issuing Office are complete, unless an omission is blatant. Registered plan holders will receive Addenda issued by Owner.
- 2.05 Plan rooms (including construction information subscription services, and electronic and virtual plan rooms) may distribute the Bidding Documents, or make them available for examination. Owner is not responsible for omissions in Bidding Documents or other documents obtained from plan rooms, or for a Bidder's failure to obtain Addenda from a plan room.

ARTICLE 3—QUALIFICATIONS OF BIDDERS

- 3.01 To be considered qualified, bidder shall be licensed to engage in the business of contracting in the State of Florida by the Construction Industry Licensing Board. Additionally, a qualified bidder shall have successfully completed, as prime contractor, a minimum of 3 projects of a similar nature within the past 3 years. To demonstrate Bidder's qualifications to perform the Work, after submitting its Bid and within five (5) days of Owner's request, Bidder must submit the following information:
- A. Written evidence establishing qualifications such as financial data, previous experience, and present commitments.
- B. Evidence that Bidder is authorized to do business in the state where the Project is located.

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Instructions to Bidders

- C. Bidder's State of Florida contractor license number.
 - D. Subcontractor and Supplier qualification information.
 - E. List of similar projects completed within the most recent five years, including identification of at least three similar projects completed within the past three years. Provide brief description of project, date completed, original contract amount, final contract amount, contact names and phone numbers of Owners and Engineers.
 - F. List of currently active projects with project description, contract amount, percent complete, contact names and phone numbers of Owners and Engineers.
 - G. Other required information regarding qualifications.
- 3.02 A Bidder's failure to submit required qualification information within the times indicated may disqualify Bidder from receiving an award of the Contract.
- 3.03 No requirement in this Article 3 to submit information will prejudice the right of Owner to seek additional pertinent information regarding Bidder's qualifications.
- 3.04 Bidder is advised to carefully review those portions of the Bid Form requiring Bidder's representations and certifications.

ARTICLE 4—PRE-BID CONFERENCE

- 4.01 A pre-bid conference will not be conducted.

ARTICLE 5—SITE AND OTHER AREAS; EXISTING SITE CONDITIONS; EXAMINATION OF SITE; OWNER'S SAFETY PROGRAM; OTHER WORK AT THE SITE

5.01 *Site and Other Areas*

- A. The Site is identified in the Bidding Documents. By definition, the Site includes rights-of-way, easements, and other lands furnished by Owner for the use of the Contractor. Any additional lands required for temporary construction facilities, construction equipment, or storage of materials and equipment, and any access needed for such additional lands, are to be obtained and paid for by Contractor.

5.02 *Site Visit and Testing by Bidders*

- A. Bidder is required to visit the Site and conduct a thorough visual examination of the Site and adjacent areas. During the visit the Bidder must not disturb any ongoing operations at the Site.
- B. A site visit has not been pre-scheduled. Bidders shall use the contact information in Paragraph 5.02 D. to arrange access.
- C. Bidders visiting the Site are required to arrange their own transportation to the Site.
- D. All access to the Site other than during a regularly scheduled Site visit must be coordinated through the following Owner contact for visiting the Site: **John Bartus, City Administrator, (305) 289-1212, cityadministrator@keycolonybeach.net** Bidder must conduct the required Site visit during normal working hours.
- E. Bidder is not required to conduct any subsurface testing or exhaustive investigations of Site conditions.

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- F. On request, and to the extent Owner has control over the Site, and schedule permitting, the Owner will provide Bidder general access to the Site to conduct such additional examinations, investigations, explorations, tests, and studies as Bidder deems necessary for preparing and submitting a successful Bid. Owner will not have any obligation to grant such access if doing so is not practical because of existing operations, security or safety concerns, or restraints on Owner's authority regarding the Site. Bidder is responsible for establishing access needed to reach specific selected test sites.
- G. Bidder must comply with all applicable Laws and Regulations regarding excavation and location of utilities, obtain all permits, and comply with all terms and conditions established by Owner or by property owners or other entities controlling the Site with respect to schedule, access, existing operations, security, liability insurance, and applicable safety programs.
- H. Bidder must fill all holes and clean up and restore the Site to its former condition upon completion of such explorations, investigations, tests, and studies.

5.03 *Owner's Safety Program*

- A. An Owner Safety Program is not in place.

5.04 *Other Work at the Site*

- A. Other construction may occur during completion of the project.

ARTICLE 6—BIDDER'S REPRESENTATIONS AND CERTIFICATIONS

6.01 *Express Representations and Certifications in Bid Form, Agreement*

- A. The Bid Form that each Bidder will submit contains express representations regarding the Bidder's examination of Project documentation, Site visit, and preparation of the Bid, and certifications regarding lack of collusion or fraud in connection with the Bid. Bidder should review these representations and certifications, and assure that Bidder can make the representations and certifications in good faith, before executing and submitting its Bid.
- B. If Bidder is awarded the Contract, Bidder (as Contractor) will make similar express representations and certifications when it executes the Agreement.

ARTICLE 7—INTERPRETATIONS AND ADDENDA

- 7.01 Owner, on its own initiative or through Engineer, may issue Addenda to clarify, correct, supplement, or modify the Bidding Documents.
- 7.02 Bidder shall submit all questions about the meaning or intent of the Bidding Documents to Engineer in writing. Contact information and submittal procedures for such questions are as follows:
 - A. Jason Shepler, P.E., jason.shepler@cphcorp.com

- 7.03 Interpretations or clarifications considered necessary by Engineer in response to such questions will be issued by Addenda delivered to all registered plan holders. Questions received less than seven days prior to the date for opening of Bids may not be answered.
- 7.04 Only responses set forth in an Addendum will be binding. Oral and other interpretations or clarifications will be without legal effect. Responses to questions are not part of the Contract Documents unless set forth in an Addendum that expressly modifies or supplements the Contract Documents.

ARTICLE 8—BID SECURITY

- 8.01 Each Bid must be accompanied by a Bid Bond in the amount of five percent of the maximum Bid price, using the form included in the Bidding Documents.

ARTICLE 9—CONTRACT TIMES

- 9.01 The number of days within which, or the dates by which, the Work is to be (a) substantially completed and (b) ready for final payment, and (c) Milestones (if any) are to be achieved, are set forth in the Agreement.
- 9.02 Provisions for liquidated damages, if any, for failure to timely attain a Milestone, Substantial Completion, or completion of the Work in readiness for final payment, are set forth in the Agreement.

ARTICLE 10—SUBSTITUTE AND “OR EQUAL” ITEMS

- 10.01 The Contract for the Work, as awarded, will be on the basis of materials and equipment specified or described in the Bidding Documents without consideration during the bidding and Contract award process of possible substitute or “or-equal” items. In cases in which the Contract allows the Contractor to request that Engineer authorize the use of a substitute or “or-equal” item of material or equipment, application for such acceptance may not be made to and will not be considered by Engineer until after the Effective Date of the Contract.
- 10.02 All prices that Bidder sets forth in its Bid will be based on the presumption that the Contractor will furnish the materials and equipment specified or described in the Bidding Documents, as supplemented by Addenda. Any assumptions regarding the possibility of post-Bid approvals of “or-equal” or substitution requests are made at Bidder’s sole risk.

ARTICLE 11—SUBCONTRACTORS, SUPPLIERS, AND OTHERS

- 11.01 A Bidder must be prepared to retain specific Subcontractors and Suppliers for the performance of the Work if required to do so by the Bidding Documents or in the Specifications. If a prospective Bidder objects to retaining any such Subcontractor or Supplier and the concern is not relieved by an Addendum, then the prospective Bidder should refrain from submitting a Bid.
- 11.02 The apparent Successful Bidder, and any other Bidder so requested, must submit to Owner a list of the Subcontractors or Suppliers proposed for all major component and construction disciplines of the Work within five days after Bid opening.
- 11.03 If requested by Owner, such list must be accompanied by an experience statement with pertinent information regarding similar projects and other evidence of qualification for each such

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Instructions to Bidders

Subcontractor or Supplier. If Owner or Engineer, after due investigation, has reasonable objection to any proposed Subcontractor or Supplier, Owner may, before the Notice of Award is given, request apparent Successful Bidder to submit an acceptable substitute, in which case apparent Successful Bidder will submit a substitute, Bidder's Bid price will be increased (or decreased) by the difference in cost occasioned by such substitution, and Owner may consider such price adjustment in evaluating Bids and making the Contract award.

- 11.04 If apparent Successful Bidder declines to make any such substitution, Owner may award the Contract to the next lowest Bidder that proposes to use acceptable Subcontractors and Suppliers. Declining to make requested substitutions will constitute grounds for forfeiture of the Bid security of any Bidder. Any Subcontractor or Supplier, so listed and against which Owner or Engineer makes no written objection prior to the giving of the Notice of Award will be deemed acceptable to Owner and Engineer.

ARTICLE 12—PREPARATION OF BID

- 12.01 The Bid Form is included with the Bidding Documents.
- A. All blanks on the Bid Form must be completed in non-erasable ink and the Bid Form signed in non-erasable ink. Erasures or alterations must be initialed in ink by the person signing the Bid Form. A Bid price must be indicated for each section, Bid item, alternate, adjustment unit price item, and unit price item listed therein.
 - B. If the Bid Form expressly indicates that submitting pricing on a specific alternate item is optional, and Bidder elects to not furnish pricing for such optional alternate item, then Bidder may enter the words "No Bid" or "Not Applicable."
- 12.02 If Bidder has obtained the Bidding Documents as Electronic Documents, then Bidder shall prepare its Bid on a paper copy of the Bid Form printed from the Electronic Documents version of the Bidding Documents. The printed copy of the Bid Form must be clearly legible, printed on 8½-inch by 11-inch paper and as closely identical in appearance to the Electronic Document version of the Bid Form as may be practical. The Owner reserves the right to accept Bid Forms which nominally vary in appearance from the original paper version of the Bid Form, providing that all required information and submittals are included with the Bid.
- 12.03 A Bid by a corporation must be executed in the corporate name by a corporate officer (whose title must appear under the signature), accompanied by evidence of authority to sign. The corporate address and state of incorporation must be shown.
- 12.04 A Bid by a partnership must be executed in the partnership name and signed by a partner (whose title must appear under the signature), accompanied by evidence of authority to sign. The official address of the partnership must be shown.
- 12.05 A Bid by a limited liability company must be executed in the name of the firm by a member or other authorized person and accompanied by evidence of authority to sign. The state of formation of the firm and the official address of the firm must be shown.
- 12.06 A Bid by an individual must show the Bidder's name and official address.
- 12.07 A Bid by a joint venture must be executed by an authorized representative of each joint venturer in the manner indicated on the Bid Form. The joint venture must have been formally established prior to submittal of a Bid, and the official address of the joint venture must be shown.

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- 12.08 All names must be printed in ink below the signatures.
- 12.09 The Bid must contain an acknowledgment of receipt of all Addenda, the numbers of which must be filled in on the Bid Form.
- 12.10 Postal and e-mail addresses and telephone number for communications regarding the Bid must be shown.
- 12.11 The Bid must contain evidence of Bidder's authority to do business in the state where the Project is located in the form of a valid business license number, or Bidder must certify in writing that it will obtain such authority within the time for acceptance of Bids and attach such certification to the Bid.
- 12.12 After bid opening, Owner may request evidence of Bidder's authority and qualification to do business in the state where the Project is located, or Bidder shall covenant in writing to obtain such authority and qualification prior to award of the Contract.
- 12.13 Bidder must be licensed to engage in the business of contracting in the State of Florida by the Construction Industry Licensing Board. Bidder's state contractor license number must be shown on the Bid Form.

ARTICLE 13—BASIS OF BID

13.01 *Lump Sum*

- A. Bidders must submit a Bid on a lump sum basis as set forth in the Bid Form.

ARTICLE 14—SUBMITTAL OF BID

- 14.01 Bids must be received no later than the date and time prescribed and at the place indicated in the **Public Notice** and must be enclosed in a plainly marked, sealed package bearing the Project title and, if applicable, the designated portion of the Project for which the Bid is submitted, together with the Bidder's name and address. The Bid package shall include the required Bid security and all other documents required by the Bidding Documents.

Each Bid shall consist of one (1) original, five (5) copies, and one (1) electronic copy of the complete Bid on a USB thumb drive. The original, copies, and USB thumb drive shall be enclosed together within the sealed Bid package.

The electronic copy is provided for the Owner's convenience only. In the event of a discrepancy between the original signed Bid and the electronic copy, the original signed Bid shall govern.

If a Bid is sent by mail or other delivery service, the sealed Bid package shall be enclosed within a separate outer package plainly marked "**BID ENCLOSED.**" Mailed Bids shall be addressed to:

**City of Key Colony Beach
600 West Ocean Drive
Key Colony Beach, Florida 33051**

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Instructions to Bidders

- 14.02 Bids received after the date and time prescribed for opening, or not submitted at the correct location or in the required manner, will not be accepted and will be returned unopened.
- 14.03 Bids may not be submitted electronically.

ARTICLE 15—MODIFICATION AND WITHDRAWAL OF BID

- 15.01 An unopened Bid may be withdrawn by an appropriate document duly executed in the same manner that a Bid must be executed and delivered to the place where Bids are to be submitted prior to the date and time for the opening of Bids. Upon receipt of such notice, the unopened Bid will be returned to the Bidder.
- 15.02 If a Bidder wishes to modify its Bid prior to Bid opening, Bidder must withdraw its initial Bid in the manner specified in Paragraph 15.01 and submit a new Bid prior to the date and time for the opening of Bids.
- 15.03 If within 24 hours after Bids are opened any Bidder files a duly signed written notice with Owner and promptly thereafter demonstrates to the reasonable satisfaction of Owner that there was a material and substantial mistake in the preparation of its Bid, the Bidder may withdraw its Bid, and the Bid security will be returned. Thereafter, if the Work is rebid, the Bidder will be disqualified from further bidding on the Work.

ARTICLE 16—OPENING OF BIDS

- 16.01 Bids will be opened at the time and place indicated in the Public Notice and, unless obviously non-responsive, read aloud publicly. An abstract of the amounts of the base Bids and major alternates, if any, will be made available to Bidders after the opening of Bids.

ARTICLE 17—BIDS TO REMAIN SUBJECT TO ACCEPTANCE

- 17.01 All Bids will remain subject to acceptance for the period of time stated in the Bid Form, but Owner may, in its sole discretion, release any Bid and return the Bid security prior to the end of this period.

ARTICLE 18—EVALUATION OF BIDS AND AWARD OF CONTRACT

- 18.01 Owner reserves the right, in its sole discretion, to reject any or all Bids, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional Bids. Owner also reserves the right to waive all minor Bid informalities not involving price, time, or changes in the Work.
- 18.02 Owner will reject the Bid of any Bidder that Owner finds, after reasonable inquiry and evaluation, to not be responsible.
- 18.03 If Bidder purports to add terms or conditions to its Bid, takes exception to any provision of the Bidding Documents, or attempts to alter the contents of the Contract Documents for purposes of the Bid, whether in the Bid itself or in a separate communication to Owner or Engineer, then Owner will reject the Bid as nonresponsive.
- 18.04 If Owner awards the contract for the Work, such award will be to the responsible Bidder submitting the lowest responsive Bid.

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Instructions to Bidders

18.05 *Evaluation of Bids*

- A. In evaluating Bids, Owner will consider whether the Bids comply with the prescribed requirements, and such alternates, unit prices, and other data, as may be requested in the Bid Form or prior to the Notice of Award.
- 18.06 In evaluating whether a Bidder is responsible, Owner will consider the qualifications of the Bidder and may consider the qualifications and experience of Subcontractors and Suppliers proposed for those portions of the Work for which the identity of Subcontractors and Suppliers must be submitted as provided in the Bidding Documents.
- 18.07 Owner may conduct such investigations as Owner deems necessary to establish the responsibility, qualifications, and financial ability of Bidders and any proposed Subcontractors or Suppliers.

ARTICLE 19—BONDS AND INSURANCE

- 19.01 The Agreement (Section 00520) sets forth Owner's requirements as to performance and payment bonds, other required bonds (if any), and insurance. When the Successful Bidder delivers the executed Agreement to Owner, it must be accompanied by required bonds and insurance documentation.

ARTICLE 20—SIGNING OF AGREEMENT

- 20.01 When Owner issues a Notice of Award to the Successful Bidder, it will be accompanied by the unexecuted counterparts of the Agreement along with the other Contract Documents as identified in the Agreement. Within 15 days thereafter, Successful Bidder must execute and deliver the required number of counterparts of the Agreement and any bonds and insurance documentation required to be delivered by the Contract Documents to Owner. Within 10 days thereafter, Owner will deliver one fully executed counterpart of the Agreement to Successful Bidder, together with printed and electronic copies of the Contract Documents.

ARTICLE 21—SALES AND USE TAXES – NOT APPLICABLE

ARTICLE 22—CONTRACTS TO BE ASSIGNED – NOT APPLICABLE

ARTICLE 23 – WAGE RATES – NOT APPLICABLE

END OF SECTION



580-1 Wells Road
Orange Park, FL 32073
Phone: 904.278.0030

September 8, 2026

VIA EMAIL

Mayor and City Commission
City of Key Colony Beach
600 West Ocean Drive
Key Colony Beach, FL 33051

RE: Engineer's Recommendation of Award
HLMP Lift Station Resiliency Improvements
RFP No. RFP-2026-05
City of Key Colony Beach, Florida
Client No. 0604-08-1

Dear Mayor and City Commissioners:

On August 25, 2026, bids were received in response to the City's Request for Proposals for the HLMP Lift Station Resiliency Improvements project. We have reviewed the bids and found Pedro Falcon Contractors, Inc. to be the low bidder for this project. Attached is a copy of the Certified Bid Tabulation which we have prepared. Contingent upon approval by the Florida Division of Emergency Management (FDEM) and the City Attorney, as well as receipt of proper bonds and insurance certificates, we recommend that the project be awarded as follows:

CONTRACTOR:	Pedro Falcon Contractors, Inc. 31160 Avenue C Big Pine Key, FL 33043 Tel: (305) 587-4013 Email: cb@pedrofalcon.com
-------------	--

TOTAL BID AWARD AMOUNT: \$213,735.00

We look forward to continuing our services during the Construction Phase of this project. As always, we remain available to answer any questions.

Sincerely yours,
CPH Consulting, LLC

Jason R. Shepler, P.E.
VP – North Florida Infrastructure

JRS/bb
Enclosure



580-1 Wells Road
Orange Park, FL 32073

HLMP Lift Station Resiliency Improvements
City of Key Colony Beach, Florida
CPH Client No. 0604-08-1

CERTIFIED BID TABULATION
Bids Received by 2:00 p.m. on August 26, 2026

By: _____
Jason R. Shepler, P.E., VP - North FL Infrastructure
CPH Consulting, LLC

	1	2	3
	Pedro Falcon Contractors, Inc.	Belle Construction	Reynolds Construction, LLC dba Reynolds Construction of Florida, LLC
Item A. Lump Sum Bid Price	\$198,735.00	\$205,500.00	\$233,925.00
Item B. Florida Keys Electric Cooperative (FKEC) Coordination Allowance	\$15,000.00	\$15,000.00	\$15,000.00
TOTAL BID (Item A + B)	\$213,735.00	\$220,500.00	\$248,925.00

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

City of Key Colony Beach

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



August 19, 2026

To: The City of Key Colony Beach Board of Commissioners

From: The Key Colony Beach Planning & Zoning Board

Re: Discussion/Recommendation for approval of Code Amendments to the Code of Ordinances, Section 6-3 (2), New Construction Materials, to comply with newly enacted Florida Statutes (Draft Ordinance 2026-516)

The Planning & Zoning Board reviewed the proposed ordinance amendment and, after discussion, voted as follows:

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

DISCUSSION: Lynne Benton discussed the need for potential additional changes to the City Code related to the proposed amendment on off-site manufactured homes. She referenced the history of the Attorney General opinion on a similar matter, proposed ordinance verbiage, and asked for clarification on the concrete construction requirements and how manufactured homes are treated under the proposed amendment. Building Official Loreno explained that the City's ordinance requires 75% concrete construction for exterior walls, which prevents modular homes from meeting those specifications. He stated that manufactured homes approved by the State of Florida meet applicable building code requirements and that new state legislation limits the City's ability to prohibit qualifying manufactured homes. Lynne Benton stated that she had found examples of manufactured homes constructed of concrete but was unable to provide supporting materials because it was too late to submit them to the Board. Chair Lancaster stated that he understood the amendment would allow manufactured homes while maintaining strict standards. Lynne Benton commented on the wording of the proposed amendment and suggested tabling the matter to allow additional explanation. Chair Lancaster stated that the ordinance change was intended to comply with state law. Lynne Benton further commented on her understanding of the wording and City standards and again suggested tabling the matter for 30 days. There were no further comments, and Chair Lancaster called for rollcall.

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

FINAL RECOMMENDATION: The Planning & Zoning Board recommends approval of the proposed Ordinance amendment.

A handwritten signature in blue ink, appearing to read "George Lancaster".

George Lancaster, Planning & Zoning Board Chair

A handwritten signature in blue ink, appearing to read "Silvia Roussin".

Silvia Roussin, City Clerk

MINUTES
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

1. **Call to Order, Pledge of Allegiance & Roll Call:** The Key Colony Beach Planning & Zoning Board meeting was called to order by Chair George Lancaster at 10:00 AM, followed by the Pledge of Allegiance and Rollcall. **Present:** Chair George Lancaster, Vice-Chair Lin Walsh (via Zoom), Skip Helme, Leonard Geronemus, Lynne Benton (via Zoom). **Also present:** City Attorney Jimmie Hicks, Building Official Tony Loreno, City Administrator John Bartus, Commissioner Kirk Diehl (via Zoom), Commissioner Tom Harding (via phone), Vice-Mayor Doug Colonell (via Zoom), Mayor Foster.

Physical Attendance: 5

2. **Approval of the Agenda** (Additions, changes, and deletions may be made by one motion and second, with approval by majority vote): There were no changes to the agenda, and Chair Lancaster asked for a motion to approve.

MOTION: Leonard Geronemus made a motion to approve the agenda. Skip Helme seconded the motion.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Motion passed unanimously.

3. **Citizen Comments & Correspondence:** City Clerk Roussin reported that correspondence from Robert and Gail Zimmerman regarding the boat lift approval for 841 W. Ocean Drive was included in the agenda packet. Lynne Benton requested to read a citizen comment into the record and referenced the City Code on comments from Public Officials. City Clerk Roussin commented on normal procedure regarding correspondence and asked that any procedural changes be addressed before a meeting. Chair Lancaster noted that the correspondence had been referenced, included, and made available for public review, and advised that it did not need to be read further before proceeding.

4. **Approval of Minutes:** Planning & Zoning Board Minutes of June 17, 2026: Chair Lancaster asked for a motion to approve the minutes. There were no changes.

MOTION: Lin Walsh made a motion to approve the minutes. Leonard Geronemus seconded the motion.

DISCUSSION: None.

ON THE MOTION: Roll call vote. Motion passed unanimously.

5. **Administration of the Oath of Witness:** City Clerk Roussin administered the Oath of Witness to all individuals planning to testify.

6. **Disclosure of Ex Parte Communications:** Chair Lancaster asked whether any Board member had any ex-parte communications to disclose. Lynne Benton requested clarification from legal counsel on whether ex-parte communications apply only to quasi-judicial matters affecting individual property rights and not to legislative matters, such as ordinance amendments before the Board.

City Attorney Hicks stated that ex-parte communications must be disclosed in quasi-judicial matters and explained that he could not provide an opinion regarding legislative matters without additional facts. Lynne Benton asked whether a communication about the proposed ordinance change regarding shoreline setbacks would need to be disclosed as an ex parte communication. City Attorney Hicks explained that the relevant question is whether a

communication could influence a Board member's objective judgment or vote. Chair Lancaster suggested that Lynne Benton submit her question to City Clerk Roussin for follow-up. Lynne Benton expressed concern that prior questions to the City had not been answered. City Clerk Roussin asked, for purposes of the meeting, whether any Board member had communicated with a resident about an agenda item in a way that could influence the member's vote outside of the public hearing process. Lin Walsh suggested that any member with doubts about their ability to vote impartially should consider recusal. Chair Lancaster commented that disclosure allows the public to be aware of communications related to matters before the Board. Lynne Benton stated that she believed the law provided otherwise. City Clerk Roussin confirmed that she could forward Lynne Benton's question for follow-up. City Attorney Hicks further stated that an ex parte communication does not, by itself, create a conflict; rather, disclosure is intended for public awareness.

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

Chair Lancaster introduced the agenda item and asked Building Official Loreno to provide additional information. Building Official Loreno reported that the request was to relocate the trash containment area and that all zoning requirements had been met. Chair Lancaster invited the owner's representative, Robert Judd, to speak on the owner's behalf. Mr. Judd stated that the Building Department had reviewed the request without objection and described the relocation as a good-neighbor effort. Chair Lancaster asked for a motion.

MOTION: Leonard Geronemus made a motion to approve the request. Lin Walsh seconded the motion.

DISCUSSION: Building Official Loreno clarified the proposed new location of the dumpster. Leonard Geronemus commented on the wording of the agenda item identifying the site plan amendment as "minor" and questioned whether that wording was appropriate. City Attorney Jimmie Hicks stated that, because Board Member Helme lives in proximity to the property, there may be questions about whether that proximity could create an actual or perceived conflict. Out of an abundance of caution, he recommended that the Board entertain a motion to recuse Member Helme from deliberating and voting on the matter. Chair Lancaster asked for a motion.

MOTION TO RECUSE SKIP HELME: Motion made by Leonard Geronemus. George Lancaster seconded the motion.

DISCUSSION: City Attorney Hicks clarified the purpose of the motion, noting that Member Helme's proximity to the property was not necessarily a conflict in itself. However, because additional details were not available, he recommended that the Board proceed out of an abundance of caution and recuse Member Helme from deliberating and voting on the matter.

ON THE MOTION TO RECUSE: Rollcall vote. Unanimous approval.

FURTHER DISCUSSION ON ORIGINAL MOTION: None.

ON THE ORIGINAL MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the recommendation to the City Commission would be presented the following day.

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
2. FDEP Approval
3. Permit Application
4. Letters of Neighbor Approval
5. Code of Ordinances Sec. 5-41 to 5-44 regarding Boat Lifts

Chair Lancaster introduced the agenda item and asked Building Official Loreno to elaborate. Building Official Loreno provided information on the request, stated that all code requirements had been met, and recommended approval. Building Official Loreno confirmed that similar boatlifts already exist throughout the finger docks at the

condominium and confirmed sufficient navigable waters. Chair Lancaster asked for a motion.

MOTION: Leonard Geronemus made a motion to approve the request. Skip Helme seconded the motion.

FURTHER DISCUSSION: None.

ON THE MOTION: Roll call vote. Motion passed unanimously.

City Clerk Roussin informed that the recommendation would be presented to the City Commission the following day.

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

Chair Lancaster introduced the agenda item. City Attorney Hicks discussed the legislative changes and explained that the proposed ordinance was intended to comply with newly enacted Florida statutes. Chair Lancaster then asked for a motion.

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

DISCUSSION: Lynne Benton discussed the need for potential additional changes to the City Code related to the recently enacted Florida Statute. She referenced the history of the Attorney General opinion on a similar matter, proposed ordinance verbiage, and asked for clarification on the concrete construction requirements and how manufactured homes are treated under the proposed amendment. Building Official Loreno explained that the City's ordinance requires 75% concrete construction for exterior walls, which prevents modular homes from meeting those specifications. He stated that manufactured homes approved by the State of Florida meet applicable building code requirements and that new state legislation limits the City's ability to prohibit qualifying manufactured homes. Lynne Benton stated that she had found examples of manufactured homes constructed of concrete but was unable to provide supporting materials because it was too late to submit them to the Board. Chair Lancaster stated that he understood the amendment would allow manufactured homes while maintaining strict standards. Lynne Benton commented on the wording of the proposed amendment and suggested tabling the matter to allow additional explanation. Chair Lancaster stated that the ordinance change was intended to comply with state law. Lynne Benton further commented on her understanding of the wording and City standards and again suggested tabling the matter for 30 days. There were no further comments, and Chair Lancaster called for rollcall.

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

City Clerk Roussin informed that the recommendation will be presented to the City Commission on September 17th.

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

Chair Lancaster introduced the agenda item. City Attorney Hicks explained that the draft ordinance addressed frequent rear-pool-setback variance requests, concerns about the approval of those variances, and potential legal and financial liability to the City. City Attorney Hicks stated that the proposed process was intended to address those concerns through clear standards and noted that typical variance requests fall between 5 and 10 feet. He explained that staff was seeking input and guidance from the Board and discussed the process and possible additional changes. City Attorney Hicks explained that the City is protected from liability related to engineering certification failures and that responsibility would fall to the engineer and property owners. Chair Lancaster asked for Board member comments.

Lynne Benton commented that the proposed ordinance addressed structural integrity, adequate space to avoid impacts to the seawall, potential sea-level rise, and sufficient buffer area for seawall maintenance. She also commented that comprehensive plan changes will be needed because the proposal involves land development

regulations and may require state review. She stated that the 10-foot shoreline setback is critical and noted that other municipalities in Monroe County require 10-foot setbacks for accessory structures, which include swimming pools. Chair Lancaster voiced support for the proposed ordinance change, noting that property owner needs have changed over time and that he had no concerns provided proper engineering certification is required. Chair Lancaster asked for a recommendation from the Board. Lin Walsh asked about prior approvals, engineer-stamped plans, and whether engineering certification would mean a request was in good standing before Board review. Chair Lancaster explained that the proposal would codify prior Board decisions approving similar requests and would allow the Building Department to follow regulations agreed upon by the Board and City Commission when issuing approvals.

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

DISCUSSION: Lynne Benton asked for comments from other Board members regarding her concerns about the 10-foot setback. Chair Lancaster stated that he was relying on staff's recommendation, had not seen problems with 5-foot setbacks, and noted that the City has small properties where stricter setback requirements may further restrict property owners. He added that when the ordinance was originally written, the City had fewer pools, and that residents' needs and preferences have changed over time, including for exercise and health reasons. Lynne Benton commented that the Planning & Zoning Board has a responsibility to the City as a whole and not only to individual property owners, and that owners should understand the constraints associated with small lots. She further commented that the Florida Keys are a specially designated area, that comprehensive plan changes may be needed, and that state review is required. There was no further discussion.

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

City Clerk Roussin informed for the recommendation will be presented to the City Commission on September 17th.

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
2. Draft Planning & Zoning Board Member Handbook

Chair Lancaster introduced the agenda item and asked Lynne Benton to provide a brief synopsis of the proposal. Lynne Benton explained the concept and purpose of the proposed Planning & Zoning Board handbook, noting that it was intended to address open questions, provide guidance, and benefit the City.

Lin Walsh commented that if the handbook had been a requirement when she was asked to serve, she would have declined to sit on the board. She further noted that she uses city officials as her guide, relying on their research and legal opinions, and that it is a significant expectation for a volunteer to understand the handbook. She reiterated that she would have declined to serve on the board.

Skip Helme agreed with Lin Walsh's comments. He stated that when asked to volunteer, he took the responsibility seriously, reviewed agenda items without basing findings on opinions, considered how they applied to the City Code, and invested time in preparation. Skip Helme indicated that the current level of review and preparation was already substantial for volunteer Board members, with additional submissions after decisions have been made at previous meetings and the reading of a 79-page handbook, which he has not signed up for.

Leonard Geronemus expressed appreciation for the work completed on the handbook but raised concerns that the 80-page document is more of a legal reference than a practical handbook and may be too much for a volunteer board. He noted that many of the subjects apply to all City boards and suggested that the City Attorney, staff, and City Commission develop a more consistent approach for all boards, which could be valuable for future volunteers.

Chair Lancaster commented that the handbook was lengthy and may function more like a textbook for a semester-long course. He stated that it may be too much for volunteer members and agreed that if he had been handed the handbook when first coming onto the board, he would not have known what to do with it. Chair Lancaster stated that members learn from experience and that staff guidance is an important source of learning and support.

Lynne Benton apologized for being detail-oriented and stated that she would have preferred to work offline before the handbook was brought forward. She appreciated the comments from Lin Walsh and Skip Helme and acknowledged that the process did not proceed as she would have preferred. Lynne Benton stated that land-use decisions should be based on appropriate standards, not opinion. She agreed that the handbook may be too extensive. She added that, as a Key Colony Beach resident for 15 years, the City should be able to continue operating under the same framework through leadership changes and make it easy for volunteers to understand what they do.

Lin Walsh asked City Clerk Roussin what standard information is provided to new board members. City Clerk Roussin explained that new members receive a large amount of information on access to the code of ordinances, ex parte communications, and proper procedures, and agreed that the proposed handbook could be overwhelming. Chair Lancaster asked whether the agenda item could be withdrawn from the agenda. Lynne Benton asked about making progress on the handbook to help with standards and provide legal protection with a commission-sanctioned document, and to explore a handbook for the boards. Lenny Geronemus asked to make a motion.

MOTION: Motion made by Leonard Geronemus to move the Planning & Zoning Board recommend approval of the concept and implementation of a board-member handbook and further recommended that the City Commission direct City staff and the City Attorney to develop a common handbook framework applicable to City Boards and Committees, with appropriate board-specific supplements and with input from the affected boards and committees. Lynne Benton seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin informed that the recommendation will be presented to the City Commission on September 17th.

8. Other Business: None.

9. Next meeting: September 16, 2026

10. Adjourn: The meeting adjourned at 11:15 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

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.

-/Remainder of Page Left Intentionally Blank/-

FIRST READING by the City of Key Colony Beach, Florida, 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, Florida, 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

(Seal)

Approved as to form and legal sufficiency:

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

City of Key Colony Beach

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



August 19, 2026

To: The City of Key Colony Beach Board of Commissioners
From: The Key Colony Beach Planning & Zoning Board

Re: 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 (Draft Ordinance 2026-517)

The Planning & Zoning Board reviewed the proposed ordinance amendment and, after discussion, voted as follows:

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

DISCUSSION: Lynne Benton asked for comments from other Board members regarding her concerns about the 10-foot setback. Chair Lancaster stated that he was relying on staff's recommendation, had not seen problems with 5-foot setbacks, and noted that the City has small properties where stricter setback requirements may further restrict property owners. He added that when the ordinance was originally written, the City had fewer pools, and that residents' needs and preferences have changed over time, including for exercise and health reasons. Lynne Benton commented that the Planning & Zoning Board has a responsibility to the City as a whole and not only to individual property owners, and that owners should understand the constraints associated with small lots. She further commented that the Florida Keys are a specially designated area, that comprehensive plan changes may be needed, and that state review is required. There was no further discussion.

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

FINAL RECOMMENDATION: The Planning & Zoning Board recommends approval of the proposed Ordinance amendment.

George Lancaster, Planning & Zoning Board Chair

Silvia Roussin, City Clerk

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.

-
- §§ 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](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](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](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](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](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 ($\frac{4}{5}$) of the city commission.
- (2) *Conditions.* The planning and zoning committee may recommend, and the city commission may prescribe, appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.
- (3) *Use variance.* Under no circumstances shall the city commission grant a variance to permit a use not generally permitted in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

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

City of Key Colony Beach

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



August 19, 2026

To: The City of Key Colony Beach Board of Commissioners
From: The Key Colony Beach Planning & Zoning Board

Re: Discussion/Recommendation for Approval for the Implementation of a Handbook for the Planning & Zoning Board

The Planning & Zoning Board reviewed the proposed Implementation of a Handbook for the Planning & Zoning Board, and after discussion, the Board voted as follows:

MOTION: Motion made by Leonard Geronemus to move the Planning & Zoning Board recommend approval of the concept and implementation of a board-member handbook and further recommended that the City Commission direct City staff and the City Attorney to develop a common handbook framework applicable to City Boards and Committees, with appropriate board-specific supplements and with input from the affected boards and committees. Lynne Benton seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

FINAL RECOMMENDATION: The Planning & Zoning Board recommends the concept and implementation of a common handbook applicable to City Boards and Committees, with appropriate board-specific supplements.

George Lancaster, Planning & Zoning Board Chair

Silvia Roussin, City Clerk

INSTALL 50K 8-POST AND 20K 4-POST CRADLE LIFT 285 14TH ST, KEY COLONY BEACH



SITE DATA / PROJECT LOCATION:

SITE ADDRESS: 285 14TH St KEY COLONY BEACH
PARCEL NO.: 00184840-000000
LEGAL DESC.: BK 2 LT 49 COURY SUBD NO 2 PB7-48 OR1368-716 OR1425-1526 OR1528-1592
OR1860-1405 OR2474-333 OR2652-1074 OR2894-0761 OR3001-0076 OR3277-0587
OR3282-2352
OWNER / S: GREGORY M. GARNER AND JENNIFER L. GARNER
ZONING: SINGLE FAMILY RESID (0100)

DRAWING INDEX:

- C - 01 PROJECT INFORMATION
- C - 02 GENERAL NOTES
- C - 03 SITE PLAN
- C - 04 BLOW-UP PLAN
- C - 05 DETAILED SECTION

SCOPE OF WORK:

NEW CONSTRUCTION

- REMOVE (5) EXISTING MOORING TIMBER PILES.
- REMOVE EXISTING 24K 4-POST CRADLE LIFT WITH PILES.
- INSTALL 50K 8-POST AND 20K 4-POST CRADLE LIFT.
- SUBJECT PROPERTY CONTAINS 0 SF TOTAL OF ACOE
J/D AREA TO BE AVOIDED.



A LOCATION MAP
C-01 SCALE: NTS.



B VICINITY MAP
C-01 SCALE: NTS.



RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 519573, Key Colony Beach,
FL 33851
CONTACT: 305-816-1100
EMAIL: info@rapidpermits.com

PROJECT TITLE:

**INSTALL 50K 8-POST AND
20K 4-POST CRADLE LIFT
285 14TH ST, KEY COLONY BEACH**

LOCATION: 285 14TH St, KEY COLONY BEACH
Parcel ID: 00184840-000000

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
00	Project Information	12/10/24	PROJECT INFORMATION	C 01 05
01	Project Information	12/13/24		
02	Project Information	12/18/24		
03	Project Information	12/28/24		
04	Project Information	02/21/25	DATE: 12/10/24	

BAJ-2003-12318 Garner, Gregory (Sheet 1 of 5) 11/25/2025

GENERAL NOTES

GENERAL REQUIREMENTS

1. Prior to commencing work, the Contractor must review the plans and site conditions, reporting any discrepancies or conflicts with these plans that would impact construction or safety to the Engineer.
2. These plans are intended solely for construction at the specified location. For additional construction information, consult the Engineer of Record directly.
3. The Contractor is not allowed to make drawings and must wait any additional construction information from the Engineer of Record.
4. The Contractor is responsible for conducting thorough Utility Locals Review before beginning any construction to ensure where underground utilities might be present. The Engineer of Record will not provide utility locations.
5. The Engineer of Record does not supervise the Contractor or their employees during construction.
6. The Contractor is responsible for all construction conflicts and problems, including adherence to the 2023 Florida Building Code, manufacturer recommendations, local county and city codes, and the specifications within these plans.
7. Contractors should comply with the Building Damage Energy Requirements of the Florida Model Energy Code.
8. The work quality must meet or exceed standard industry practices.
9. Any deficiencies from these plans require review and approval by the Engineer of Record.
10. Shoring must be installed as needed to support all structural members of the existing structure.
11. The Contractor is responsible for all means and methods necessary to insure to maintain the structural integrity and safety of the structure, including the design and installation of structural shoring or tie-downs, and diligent performance of work. The contractor is also responsible for the safety of all personnel in the work area.
12. The Contractor must coordinate their work with other trades to avoid interfering activities.
13. The Engineer of Record certifying this document is not liable for any structural or non-structural damages, including damages to the structure, personnel, time-related delays, and structural losses resulting from construction in accordance with the specifications of this certified document. The Contractor must notify the Engineer of Record of any conditions or issues that do not conform to the specified details.
14. All pilings to be driven to extend with 1" steel, embedded into the soil to a pre-specified hole unless specifically specified otherwise.
15. Engineer of Record is not responsible for the construction of any work following the installation of piles.
16. All water depths are considered to be approximate and may not reflect the actual water depths. Contractors and owners are responsible for verifying water depths prior starting project and notifying EOR of any discrepancies immediately.
17. Contractor is responsible for maintaining the structural integrity of all surrounding foundations, structures, materials, substructure materials, etc. This pertains to the project site as well as all surrounding properties. Contractor to verify EOR of any potential concerns prior to construction and not perform any foundation or substructure work if concerns are notified. Contractor takes full responsibility for the safety and integrity of all surrounding areas throughout.



RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 518573, Key Colony Beach,
FL 33051
CONTACT: 305-616-1498
EMAIL: info@rapidpermits.com

PROJECT TITLE:	NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
INSTALL 50K 8-POST AND 20K 4-POST CRADLE LIFT 285 14TH ST, KEY COLONY BEACH LOCATION: 285 14TH ST, KEY COLONY BEACH Parcel ID: 00079072-000480	00	General Notes	12/10/24	GENERAL NOTES	C 02 05
	01	General Notes	12/13/24		
	02	General Notes	12/18/24		
	03	General Notes	12/28/24		
	03	General Notes	02/21/25	DATE: 12/10/24	

SAJ-2003-12319 Owner: Gregory (Sheet 2 of 5) 11/25/2025



PROPOSED SCOPE OF WORK

NEW CONSTRUCTION

- REMOVE (5) EXISTING MOORING PILES.
- REMOVE EXISTING 24K 4-POST CRADLE LIFT WITH PILES.
- INSTALL 50K 8-POST AND 20K 4-POST CRADLE LIFT.
- SUBJECT PROPERTY CONTAINS 0 ± SF TOTAL OF ACOE JUD AREA TO BE AVOIDED.

285 14TH ST, KEY COLONY BEACH

SITE PLAN



SCALE:

3" = 100'



RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 510573, Key Colony Beach, FL 33051
CONTACT: 386-616-1400
EMAIL: info@rapidpermits.com

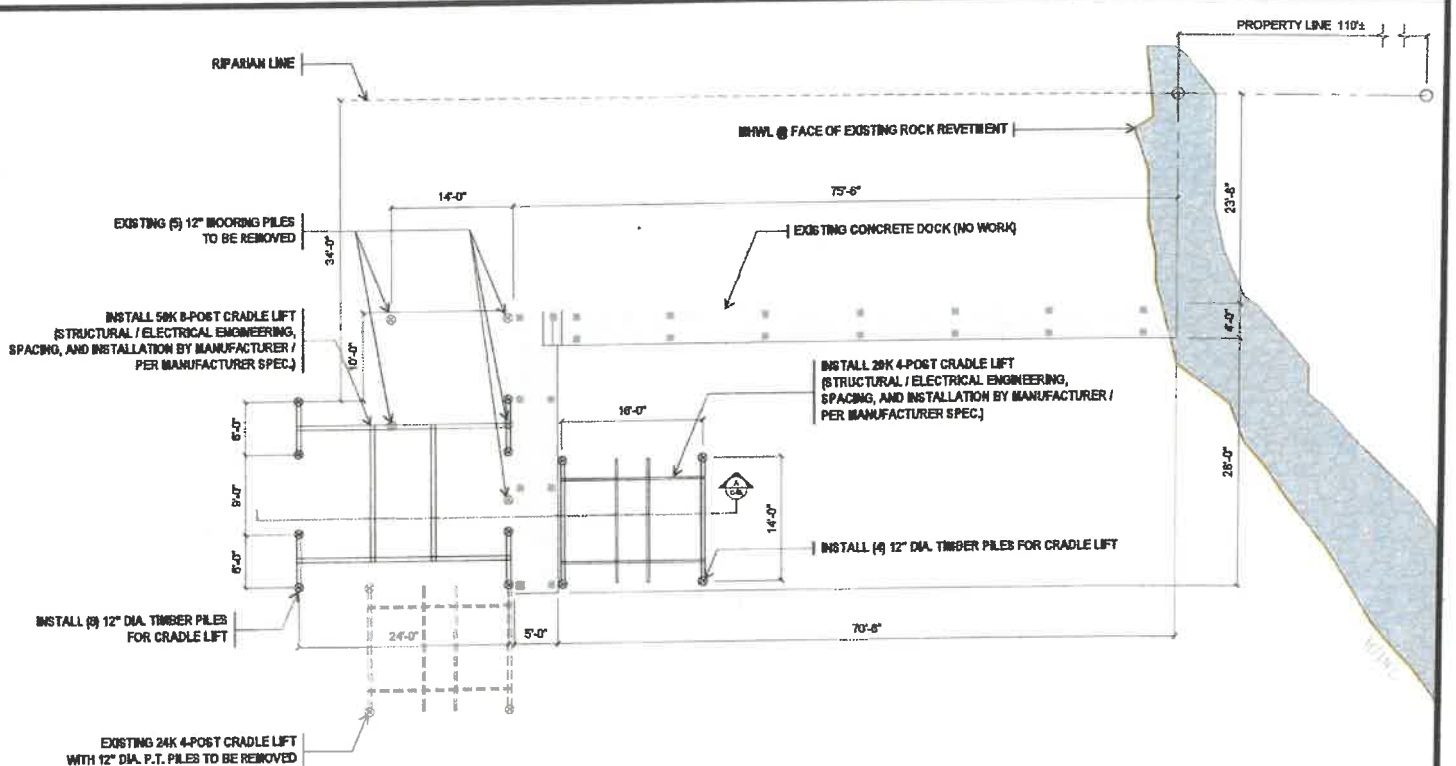
PROJECT TITLE:

INSTALL 50K 8-POST AND 20K 4-POST CRADLE LIFT
285 14TH ST, KEY COLONY BEACH

LOCATION: 285 14TH ST, KEY COLONY BEACH
Parcel ID: 00070072-000000

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
02	Site Plan	12/18/24	SITE PLAN	C 03 05
03	Site Plan	12/28/24		
04	Site Plan	02/21/25		
05	Site Plan	02/25/25		
06	Site Plan	03/11/25	DATE: 12/10/24	

SAJ-2003-12318 Garner, Gregory (Sheet 3 of 5) 11/25/2025



CONSTRUCTION NOTES

CONTRACTOR TO VERIFY ACTUAL DIMENSIONS PRIOR TO CONSTRUCTION.

285 14TH ST. KEY COLONY BEACH
BLOW-UP PLAN
SCALE: 1/8" = 1'



RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 518673, Key Colony Beach,
FL 33051
CONTACT: 305-816-1806
EMAIL: info@rapidpermits.com

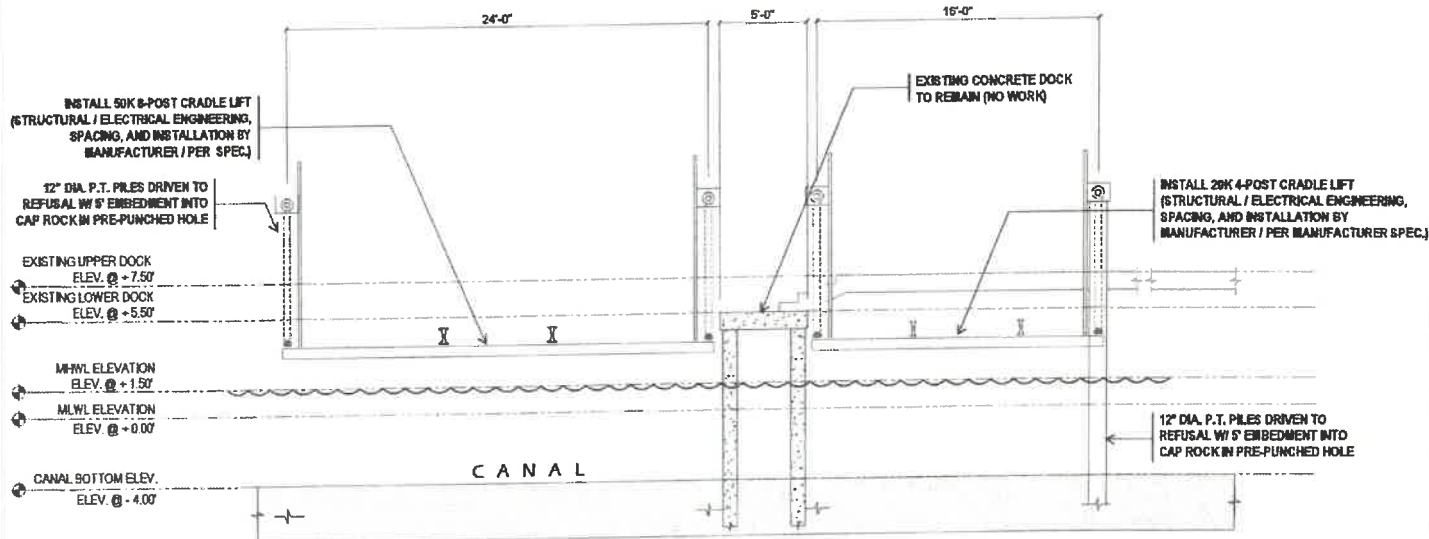
PROJECT TITLE:

INSTALL 50K 8-POST AND
20K 4-POST CRADLE LIFT
285 14TH ST, KEY COLONY BEACH

LOCATION: 285 14TH ST, KEY COLONY BEACH
Parcel ID: 08879672-000000

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
02	Blow-Up Plan	12/18/24	BLOW-UP PLAN	C 04 05
03	Blow-Up Plan	12/28/24		
04	Blow-Up Plan	02/21/25		
05	Blow-Up Plan	02/26/25		
06	Blow-Up Plan	03/11/25	DATE: 12/10/24	

BAJ-2003-12318 Garner, Gregory (Sheet 4 of 5) 11/25/2025



285 14TH ST, KEY COLONY BEACH
DETAILED SECTION
 SCALE: 1/2" = 1'

CONSTRUCTION NOTES

• CONTRACTOR TO VERIFY ACTUAL DIMENSIONS PRIOR TO CONSTRUCTION.



RAPID PERMITS AND ENGINEERING

ADDRESS: PO Box 519875, Key Colony Beach,
 FL 33951
 CONTACT: 386-816-1400
 EMAIL: info@rapidpermitting.com

PROJECT TITLE:

INSTALL 50K 8-POST AND
 20K 4-POST CRADLE LIFT
 285 14TH ST, KEY COLONY BEACH

LOCATION: 285 14TH ST, KEY COLONY BEACH
 Parcel ID: 88079072-000400

NO.	DESCRIPTION	REV. DATE	SHEET CONTENT:	SHEET NO.:
01	Detailed Section	12/13/24	DETAILED SECTION	C 05 05
02	Detailed Section	12/18/24		
03	Detailed Section	12/28/24		
04	Detailed Section	02/21/25		
05	Detailed Section	02/26/25		
			DATE: 12/10/24	

8AJ-2003-12319 Garner, Gregory (Sheet 5 of 5) 11/25/2025



PERMIT PROJECT

FILE #: 26-000530

285 14TH ST KEY COLONY BEACH FL 33051

THERE IS AN OPEN CODE VIOLATION FOR THIS PROPERTY

REMOVE A 24K BOAT LIFT, FIVE MOORING PILES, AND FOUR LIFT PILES.

INSTALL A 50K BOAT LIFT & A 20K BOAT LIFT ALONG WITH TWELVE 12" PILES
& A DOCK PEDESTAL.



PERMIT #: B26-000280

Permit Type

Building Permit

Subtype

Boat Lift

Work Description:

Remove a 24K boat lift, five mooring piles, and four lift piles. Install a 50K boat lift & a 20K boat lift along with twelve 12" piles & a dock pedestal.

Applicant

Hurricane Boat Lifts South / Largo Marine Supply - John Appleson

Status

Under Review

Valuation

0.00



FEES & PAYMENTS

Plan Check Fees

0.00

Permit Fees

3,761.75

Total Amount

3,761.75

Amount Paid

0.00

Balance Due

3,761.75

☐ Non-Billable



PERMIT DATES

Application Date

09/01/2026

Approval Date

Issue Date:

Expiration Date:

Close Date

Last Inspection

Are you the property owner?

No

Property Owner Name

JGG TRUST 02/20/2019 C/O GREGORY M GARNER AND JENNIFER L GARNER AS TRUSTEES

Property Owner Address

285 14th Street, Key Colony Beach, FL

Property Owner Phone Number

(479) 871-1148

Property Owner Email

greg@rt-eng.com

PROJECT INFORMATION

Type of Structure

Single Family

Intended Use (Specify Residential or Business)

Residential

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

Cost of Construction

\$104,000.00

Will you be using a Private Provider

No

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

Private Provider

SUBMITTAL REQUIREMENTS

Please upload all supporting documents here

Garner - 285 14th - 20K Engr Drwg.pdf
Garner - 285 14th - 50K 8P4M Engr Drwg.pdf
Garner - 285 14th - Certification of Trust.pdf
Garner - 285 14th - DEP.pdf
Garner - 285 14th - Pedestal Specs.pdf
Garner - 285 14th - Permit Appl.pdf
Garner - 285 14th - Property Card.pdf
Garner - 285 14th - Site Plan.pdf
Garner - 285 14th St - ACOE.pdf
Garner - 285 14th ST - Elect Drwg.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

Hurricane Boat Lifts South / Largo Marine Supply - John Appleson

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

Garner - 285 14th - Sub Sign On.pdf



Electrical

WIRE NUTS ELECTRIC OF S FL INC - MARNI CAPUTO

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	▼	DESCRI	▼	QUANTITY	AMOUNT	TOTAL	
Permit Fee - Add/Alt/Conv						3,670.00	
Building Surcharge Fee						91.75	
Plan Check Fees						0.00	
Permit Fees						3,761.75	
Total Fees						3,761.75	

 PAYMENTS



DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT	
					Amount Paid	0.00	
					Balance Due	3,761.75	

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)

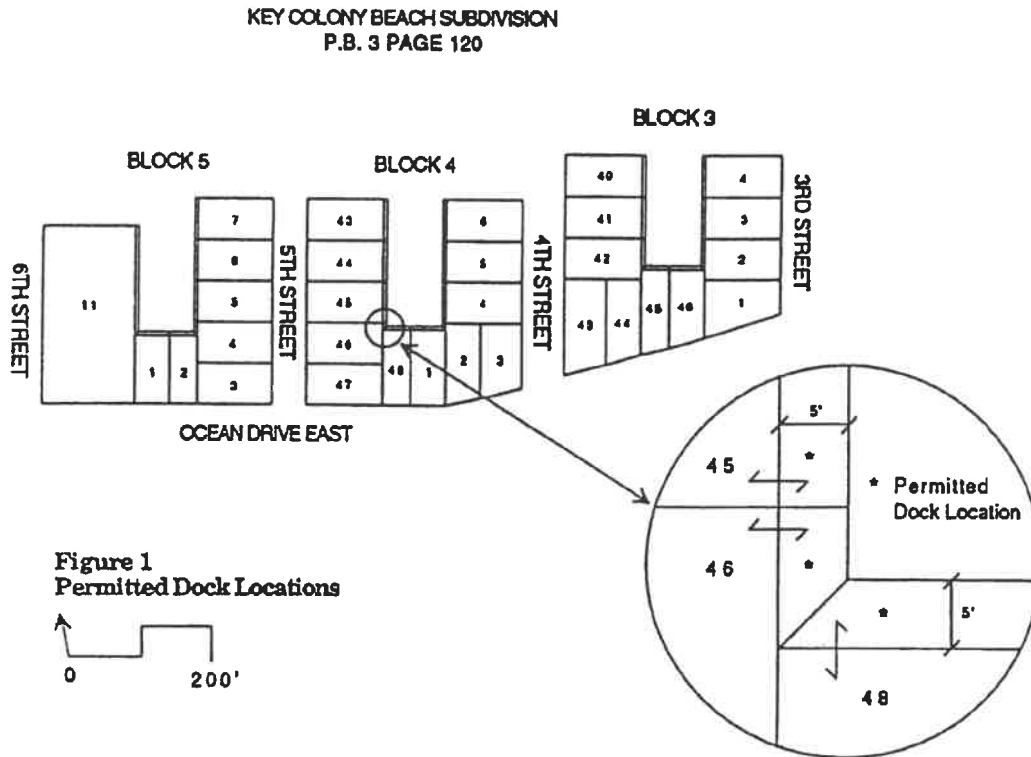


Figure 1 Permitted Dock Locations

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

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

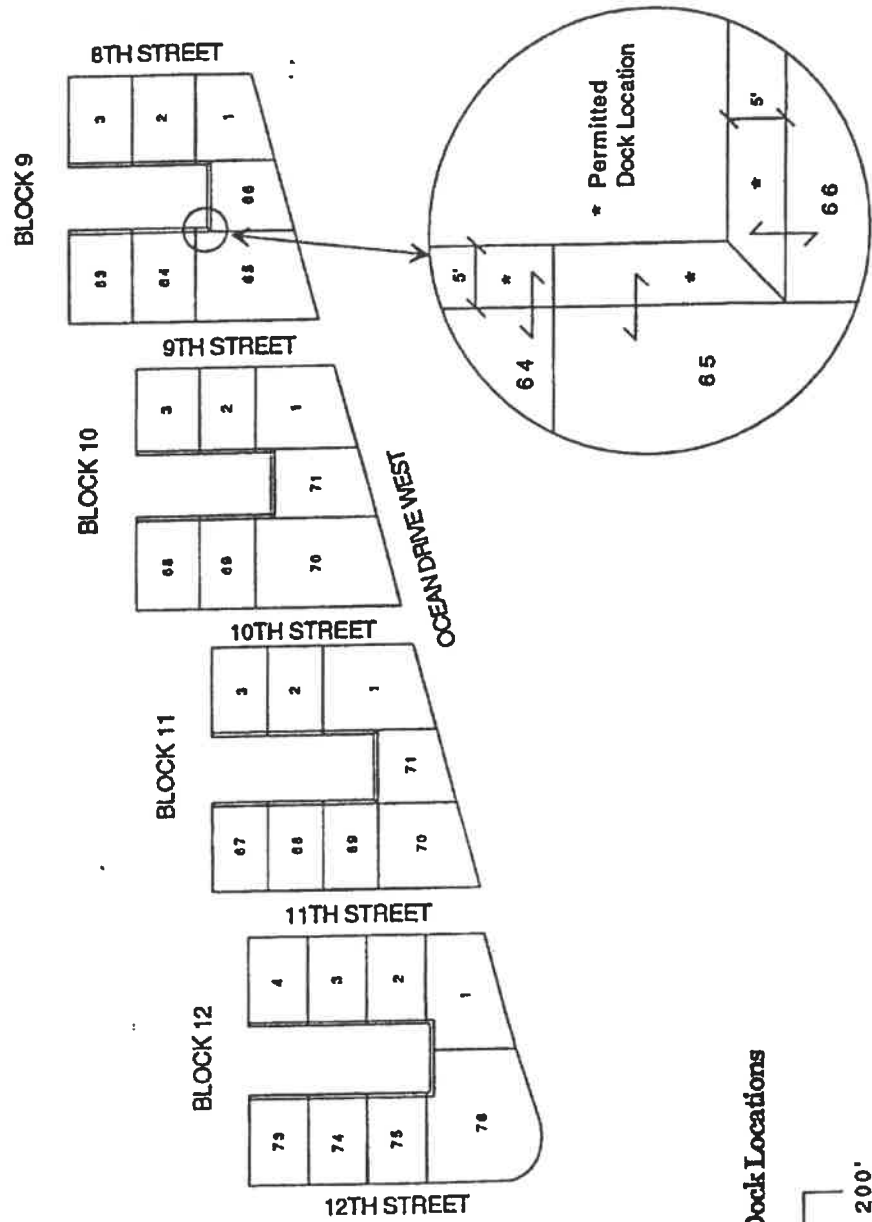


Figure 2
Permitted Dock Locations

ORDINANCE NO. 2026-515

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER FOURTEEN OF THE CODE OF ORDINANCES, ENTITLED SEWERS AND SEWAGE DISPOSAL, SECTION 14-6 MONTHLY RATES AND CHARGES, AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach provides sewer facilities and bills residential property owners for those services quarterly and commercial customers monthly; and

WHEREAS, the quarterly and monthly rates were increased in October 2025; and

WHEREAS, the City Commission deems it necessary to increase commercial wastewater billing rates to promote fairness and ensure the financial responsibility of the City's wastewater utility; and

WHEREAS, the City Commission desires that the sewer treatment plant and system operate in a financially responsible manner and not deplete current reserves; and

WHEREAS, the City Commission desires to protect the health and safety of the citizens through routine maintenance of the sewer treatment plant and infrastructure.

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

Section 1: Recitals

The above recitals are true and correct.

Section 2: Amending Section 14-6 of the Code of Ordinances

Section 14-6 of the Code of Ordinances for the City of Key Colony Beach, Florida, are hereby amended as follows:

CHAPTER 14. SEWERS AND SEWAGE DISPOSAL

Section 14-6. Monthly rates and charges.

The monthly rates and charges for the services and uses of the city sewer facilities will be as follows:

Residential living unit . . .	\$74.00 (\$222/quarter) <u>\$84.00 (\$252/quarter)</u>
Apartment and condominium living unit.	\$74.00 (\$222/quarter) <u>\$84.00 (\$252/quarter)</u>

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach 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

Approved as to form and legal sufficiency:

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



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City of Key Colony Beach, Florida's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

ORDINANCE 2026-515: AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER FOURTEEN OF THE CODE OF ORDINANCES, ENTITLED SEWERS AND SEWAGE DISPOSAL, SECTION 14-6 MONTHLY RATES AND CHARGES, AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

The City of Key Colony Beach, Florida (hereinafter "City") is of the view that the following exception(s) to the Business Impact Estimate requirement apply that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☒ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the City;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

- b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
- c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
- d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The City Commission deems it necessary to increase the monthly rates and charges for sewers and sewage disposal to ensure the financial responsibility of the City's Wastewater Utility.**

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City: **Private businesses will incur an increase of \$.10 per 100 gallons of water consumed, or an increase of \$10.00 in the minimum monthly charge, whichever is greater.**

3. Estimate of direct compliance costs that businesses may reasonably incur: **None.**

4. Any new charge or fee imposed by the proposed ordinance: **Monthly rates will increase by \$10.00 to \$84.00 for Residential Units and Apartment Units. Commercial Accounts will be assessed \$2.58 per 100 gallons of water consumed, or a minimum of \$84.00 per unit monthly, whichever is greater.**

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs: **\$6,000 per year total for the 9 businesses.**

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **9.**

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example, the City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on the City's website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):
None.



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

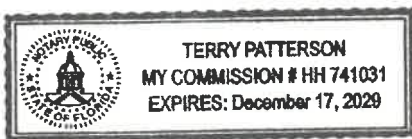
Before the undersigned authority personally appeared **JASON KOLER** who on oath, says that he is **PUBLISHER** of the **WEEKLY NEWSPAPERS**, a weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: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

September 3, 2026

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

Sworn to and subscribed before me
this 3 day of SEP, 2026.
(SEAL)

Notary



CITY OF KEY COLONY BEACH
NOTICE OF CODE AMENDMENT
HEARING
"SECOND/FINAL READING OF
ORDINANCE NO. 2026-515"
NOTICE IS HEREBY GIVEN that the
City Commission of the City of Key
Colony Beach, Florida, will hold
the following Public Hearing to
hear amendments to the City's
Code of Ordinances.
DATE/TIME: Thursday, September
17, 2026, 10:00 AM
LOCATION: Temporary Meeting
Place for the City of Key Colony
Beach at The Key Colony Inn,
Back Patio, 700 W. Ocean Dr., Key
Colony Beach, Florida.
The proposed Ordinance to be
heard by the City Commission
is (ORDINANCE NO. 2026-515),
entitled: "AN ORDINANCE OF THE
CITY OF KEY COLONY BEACH,
FLORIDA, AMENDING CHAPTER
FOURTEEN OF THE CODE OF
ORDINANCES, ENTITLED SEWERS
AND SEWAGE DISPOSAL, SECTION
14-6 MONTHLY RATES AND
CHARGES, AND PROVIDING FOR
CODIFICATION; REPEALING ANY
INCONSISTENT PROVISIONS;
PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE
DATE."
The Business Impact Statement
is available for review on the City
of Key Colony Beach's website at
www.keycolonybeach.net and at
City Hall at 600 W. Ocean Drive,
Key Colony Beach.
Interested parties may appear
at the meeting and be heard
with respect to the proposed
ordinance. Copies of the proposed
Ordinance are available for
inspection at the City Hall of Key
Colony Beach.
If any person decides to
appeal any decision made
by the Key Colony Beach City
Commission with respect to
any matter considered at the
Code Amendment Hearing,
that person will need a record
of the proceeding and, for such
purpose, may need to ensure
that a verbatim record of the
proceedings is made, which
record includes the testimony and
evidence upon which the appeal is
to be based.
If you are unable to attend the
Public Hearing on Thursday,
September 17, 2026, but wish
to comment, please direct
correspondence to the City Clerk,
P.O. Box 510141, Key Colony
Beach, FL 33051, and your
comments will be entered into
the record.
To be published: On or before
September 7, 2026
City Clerk
City of Key Colony Beach
Publish:
September 3, 2026
The Weekly Newspapers

**CITY OF KEY COLONY BEACH, FLORIDA
RESOLUTION 2026-14**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, APPROVING A ONE-YEAR EXTENSION OF THE AGREEMENT, BETWEEN THE CITY OF KEY COLONY BEACH AND THE CITY OF MARATHON FOR THE PROVISION OF EMERGENCY MEDICAL AND FIRE RESCUE SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach ("Key Colony Beach") and the City of Marathon ("Marathon"), collectively referred to as Parties, desire to extend the Interlocal Agreement between the parties for the delivery of fire rescue and emergency medical services within the municipal boundaries of Key Colony Beach to September 30, 2027; and

WHEREAS, the agreement allows for a three-year extension with cost consideration, subject to annual renewal and appropriation; and

WHEREAS, the Parties wish to extend the Interlocal Agreement for one year to provide fire rescue and emergency medical services to Key Colony Beach at an annual rate of \$1,157,153.00 for FY26/27.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Interlocal Agreement between Key Colony Beach and Marathon for the provision of emergency medical and fire rescue services, a copy of which is attached as Exhibit "A."

Section 3. This resolution shall take effect October 1, 2026, and remain in effect until September 30, 2027.

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

PASSED AND ADOPTED by the Commission of the City of Key Colony Beach, Florida, at its regular meeting of the City held September 17, 2026.

**FINAL VOTE AT ADOPTION
CITY COMMISSION OF KEY COLONY BEACH**

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

Freddie Foster, Mayor

ATTEST:

Silvia Roussin, City Clerk

(City Seal)

Approved as to form and legal sufficiency:

Dirk Smits, City Attorney

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF MARATHON
AND
THE CITY OF KEY COLONY BEACH
PROVIDING FOR DELIVERY OF
EMERGENCY MEDICAL & FIRE RESCUE SERVICES**

This Interlocal Agreement (hereinafter, the "AGREEMENT") is made by and between THE CITY OF MARATHON, a municipal corporation of the State of Florida (hereinafter called "MARATHON"), and THE CITY OF KEY COLONY BEACH, a municipality of the State of Florida (hereinafter called "KEY COLONY BEACH").

WHEREAS, originally initiated on August 8th of 2017, MARATHON and KEY COLONY BEACH entered into an AGREEMENT for the CITY OF MARATHON to provide fire rescue and emergency medical services within and adjacent to the municipal boundaries of KEY COLONY BEACH; and

WHEREAS, Marathon and the Key Colony Beach desire to reestablish and continue the relationship between the parties for the delivery of fire rescue and emergency medical services within the municipal boundaries of Key Colony Beach to September 30, 2027, subject to annual renewal or appropriation; and

WHEREAS, the term of this Agreement is set, by mutual agreement it may be either dissolved or extended; and

WHEREAS, the annually adjusted amount to be paid as part of the AGREEMENT will be based upon actual cost of service whose estimate will be provided annually Marathon to Key Colony Beach; and

WHEREAS, consideration of the amount to be paid in future years will be at the discretion of the City of Marathon, but with deliberative discussions between the parties,

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms and conditions set forth herein, MARATHON and KEY COLONY BEACH do hereby agree as follows:

1. An AGREEMENT is hereby established between the City of Marathon and the City of Key Colony Beach for Marathon to provide fire rescue and emergency medical services within and adjacent to the municipal boundaries of Key Colony Beach.
2. The expiration of the AGREEMENT is hereby established as September 30, 2027, subject to annual renewal or appropriation. With the approval of both parties the AGREEMENT may be either dissolved or extended.
3. The amount of the AGREEMENT for FY 2024/2025 shall be \$937,000. This amount may be paid in quarterly increments.
4. The amount of the AGREEMENT in future years will be collaboratively discussed and be based upon actual cost estimates developed by Marathon and provided to Key Colony Beach.
5. This AGREEMENT will become effective upon the authorized signature of both parties.

[Signatures on the following page.]

IN WITNESS OF, the parties hereto have executed this Extension as of this 17th day of September, 2024.

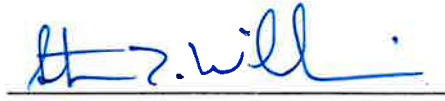
ATTEST:

CITY OF MARATHON


Diane Clavier, City Clerk

By: 
George Garrett, City Manager
Date: 9/23/2024

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**


Steve Williams, City Attorney

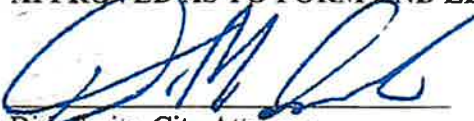
ATTEST:

CITY OF KEY COLONY BEACH


Silvia Roussin, City Clerk

By: 
Joey Raspe, Mayor
Date: 9/23/24

APPROVED AS TO FORM AND LEGALITY:


Dirk Smits, City Attorney

City of Key Colony Beach Treasurer's Report – September 17, 2026

August 31, 2026, financial summary – General Fund

- ✓ 11th Month of the 2026 fiscal year budget, Monthly Plot below:



Revenue Comments:

- Ad-Valorem taxes at 99.9% of budgeted target
- Total Revenue in good shape

Expenses Comments:

- Total expenses over budget at 11 months, by \$291,000.
- Areas over the planned 11-month budget target
 - Legislative
 - Financial and Administration
 - City Hall (Insurance)
 - Parks & Recreation
 - Pickleball shade grant reimbursement expected for September financials
 - Pickleball donations and club contribution totally \$18,300 will be in the September financials.
- Fire/EMS quarterly payment completed

Building Fund:

- Year-to-date status remains in good shape, at a positive \$74,910.00. End of year transfer to the General Fund will occur next month.

Grant Status:

- Maintenance Building Dry Flood Proofing execution grant contract received for review and approval

Infrastructure Fund:

- \$953,897.21 Final Reimbursement received in August from the City Hall Hardening Grant
- \$25,000.00 Capital funding expenses for Fire/EMS paid in August

City of Key Colony Beach Treasurer's Report – September 17, 2026

August 31, 2026, financial summary – Wastewater/Stormwater

- ✓ 11th month of the 2026 Fiscal Year, Wastewater Monthly plot below:



Revenue Status:

- YTD Revenue continues to be in good shape, YTD revenue exceeding budgeted amount.

Expenses Status:

- Expenses over budget - driven by:
 - Sludge hauling (engineering study underway for potential cost saving improvements)
 - Plant maintenance
 - Phone costs under review for cost reduction options
- Planned use of reserves for 2026 of \$391,000 per current Budget, estimated, we will exceed that value at the end of the 12-month budget cycle

Stormwater:

Checking/Savings balance \$284,221.35

Revenue: Stormwater fees collected for YTD at 105% of budget

Expenses: \$353,970.00 payment for Shelter Bay Drive permeable pavers work, remaining grant open balance of \$262,862.30, reimbursement submitted on 04Se26.

City of Key Colony Beach Treasurer's Report – September 17, 2026

2026/2027 Budget updates

General Budget:

- Updates applied to file
 - Grant status updates
 - Marathon Fire/EMS value
- Question on Miscellaneous inside budgeted costs for City Hall, beyond Pedro Falcon contract
 - Furnishings \$200,000
 - Décor items \$30,000
 - Blinds/window treatments – removed from estimated budget based on City Commission discussion these were included in Pedro Falcon contract
 - New Dias, no amount included, new request?
 - Total amount left in contingency funds from the August change orders approved at the City Commission Meeting, \$111,227.

Wastewater/Stormwater Budget:

- No Updates to the file from last meeting