

AGENDA
PLANNING & ZONING BOARD
REGULAR MEETING & PUBLIC HEARING

Wednesday, October 21st, 2026 – 10:00 AM

At the Temporary Meeting Place for the City of Key Colony Beach at
The Key Colony Inn (Back Patio), 700 W. Ocean Drive, Key Colony Beach, Florida 33051
& via Zoom Conferencing

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

- 1. Call to Order, Pledge of Allegiance & Roll Call**
- 2. Approval of the Agenda** (Additions, changes, and deletions can be made via one motion and a second to approve by majority vote)
- 3. Citizen Comments & Correspondence**
- 4. Approval of Minutes:**
 - a. Planning & Zoning Board Minutes August 19, 2026 – **Pgs. 1-5**
 - b. Form 8B: Memorandum of Voting Conflict – Jay Helme Jr. – **Pgs. 6-7**
- 5. Administration of the Oath of Witness**
- 6. Disclosure of Ex Parte Communications – Pg. 8**
- 7. Discussion Items & Recommendations for Approval**
 - a. **Discussion/Approval for a Request for a Lot Split and Party Wall Agreement for the Property located at 230-232 Sadowski Causeway – Pgs. 9-32**
 - b. **Discussion/Approval of a Draft Ordinance amending the City of Key Colony Beach Code of Ordinances and Land Development Regulations for Floodplain Management and Flood Hazard Areas**
 1. **Ordinance No. 2026-516:** An Ordinance Of The City Of Key Colony Beach, Florida, Amending The City Of Key Colony Beach Code Of Ordinances And Land Development Code To Amend Article II (Definitions) Of The Land Development Code; To Amend Article III (District Regulations) Of The Land Development Code; To Amend Article VIII (Floodplain Management) Of The Land Development Code; To Amend Code Of Ordinances, Chapter 6 (Buildings) Related To Amending The Florida Building Code For Flood Hazard Areas; Providing For Severability, Applicability And Codification; And Providing For An Effective Date. – **Pgs. 33-89**
 - c. **Discussion/Approval of a Draft Ordinance amending the City of Key Colony Land Development Regulations related to Government Signs.**
 1. **Ordinance No. 2026-517:** An Ordinance Of The City Of Key Colony Beach, Florida, Amending Article X. (Signs) Of The Land Development Regulations Related To Government Signs In Zoning Districts Public Buildings And Grounds (PB) And Public Recreation (PR); Specifically Amending Section 101-130 (Purpose And Definitions) To Provide For A New Definition Of Government Signs, Amending Section 101-131 (Prohibited Signs) To Remove Prohibitions On Government Signs, And Amending Section 101-133 To Exempt Government Signs In Zoning Districts Public Buildings And Grounds (PB) And Public Recreation (PR); Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability, Repeal, And Codification In The Land Development Regulations; And Providing For An Effective Date. – **Pgs. 90-93**

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

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

d. Discussion/Approval of a Draft Ordinance amending the City of Key Colony Land Development Regulations related to Government Property Adornments.

- 1. Ordinance No. 2026-518:** An Ordinance Of The City Of Key Colony Beach, Florida, Amending Article II. (Definitions) And Article IV. (Supplemental Regulations) Of The Land Development Regulations Related To Government Property Adornments In Zoning Districts Public Buildings And Grounds (Pb) And Public Recreation (PR); Specifically Amending Section 101-8 (Definitions) Of The Land Development Regulations To Provide For A New Definition Of Government Property Adornment, And Amending Section 101-26 (Accessory Structures And Uses) To Establish Regulations Related To Government Property Adornments; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability, Repeal, And Codification In The Land Development Regulations; And Providing For An Effective Date. – **Pgs. 94-97**

e. Discussion/Review of Questions by Board Member Lynne Benton

1. May a Key Colony Beach Planning & Zoning Board Member research the City's Ordinances and discuss them with a citizen who may have a matter appear before the Board without violating Florida Sunshine or ex parte rules? – **Pgs. 98-100**
2. Do ex-parte communication rules apply only to quasi-judicial matters? – **Pgs. 101-103**

8. Other Business

9. Next meeting: November 18th, 2026

10. Adjourn

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

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/89043710375?pwd=Qa3OE2dnBoGCLtCundcysxuTghazcB.1>

Passcode: 351284

Phone one-tap:

+13052241968,,89043710375#,,,,*351284# US

+13017158592,,89043710375#,,,,*351284# 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)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 360 209 5623 US

+1 386 347 5053 US

Webinar ID: 890 4371 0375

Passcode: 351284

International numbers available: <https://us02web.zoom.us/j/89043710375?pwd=Qa3OE2dnBoGCLtCundcysxuTghazcB.1>

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Jay Helme Jr.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning & Zoning Board	
MAILING ADDRESS PO Box 510274		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Key Colony Beach	COUNTY Monroe	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED August 19, 2026		NAME OF POLITICAL SUBDIVISION: City of Key Colony Beach	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Skip Helme, hereby disclose that on August 19, 20 26:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The matter before the Board on August 19, 2026, involved a request for a site amendment for the property located at 400 Sadowski Causeway Marina regarding the relocation of a dumpster. While the matter did not necessarily constitute a conflict in itself, the proximity of my property raised questions as to whether an actual or perceived conflict of interest existed. Accordingly, upon the advice of the City Attorney, the Board recused myself from all deliberation and voting on the matter.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

August 21, 2026

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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).

This Instrument Was Prepared By:

Patrick M. Stevens
Wolfe Stevens PLLC
5800 Overseas Highway Unit 3
Marathon, FL 33050
305-743-9858

Lot Split and Party Wall Agreement

230-232 Sadowski Causeway, Key Colony
Beach , Florida 33051
RE: 000793272-000800

Lot Split

KNOW ALL MEN BY THESE PRESENTS: The undersigned TDGROUP RETAIL LLC, a Florida limited liability company, request a lot split for the real property located at 230-232 Sadowski Causeway, Key Colony Beach Florida 33051.

The parcel is currently a duplex which is on parcel as seen in Exhibit A legally described as follows:

Lot 8, New Marian Subdivision, according to the plat thereof as recorded in Plat Book 7, Page 73, Public Records of Monroe County, Florida.

The owner desires to divide the property into 2 parcels.

Newly created parcel A as seen in Exhibit B would legally be described as follows:

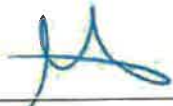
Nort half of Lot 8, New Marian Subdivision, according to the plat thereof as recorded in Plat Book 7, Page 73, Public Records of Monroe County, Florida.

Newly created parcel B as seen in Exhibit C would be legally described as follows:

The South half (1/2) of Lot 8, New Marian Subdivision, according to the plat thereof as recorded in Plat Book 7, Page 73, Public Records of Monroe County, Florida.

[Signature Page to Follow]

IN WITNESS WHEREOF, TDGROUP RETAIL LLC, a Florida limited liability company hereto has executed this Agreement as follows:

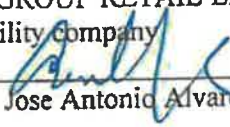


Witness #1



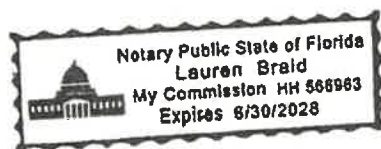
Witness #2

TDGROUP RETAIL LLC, a Florida limited liability company

By:  as manager

STATE OF FLORIDA
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13 day of October, 2026 by Jose Antonio Alvarez as manger of TDGROUP RETAIL LLC, a Florida limited liability company who ☒ is personally known or ☐ has produced a driver's license as identification.





Notary Public, State of Florida
Printed Name: Lauren Braid
My Commission Expires: 6/30/28

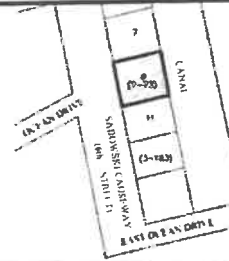
Exhibit A

MAP OF BOUNDARY SURVEY



SUBJECT PROPERTY

Property address:
230-232 Sadowski Causeway
 City: Key Colony Beach
 County: Monroe
 State: Florida Zip Code: 33051
 ID # 00079372-000800



LOCATION SKETCH
 NOT TO SCALE

SURVEYOR'S REPORT:

1. MAP OF BOUNDARY SURVEY, Fieldwork date of data acquisition: July 19th, 2023.

2. LEGAL DESCRIPTION:

Lot 8, NEW MARINA SUBDIVISION, according to the plat thereof, as recorded in Plat Book 7, at Page 73, of the Public Records of Monroe County, Florida.

3. AREA:

Containing 10,620 Square Feet or 0.24 Acres more or less by calculations.

4. ACCURACY:

The accuracy obtained by measurement and calculations of a closed geometric figure was found to exceed this requirement.

5. DATA OF SOURCES:

HORIZONTAL CONTROL:

- The Legal Description was furnished by client.
- North Arrow and Bearings refer to an assumed value of N12°09'00"W, along the Westerly Boundary line of the Subject Property as per P.B. 7, Pg. 73, of the Public Records of Monroe County, Florida.

VERTICAL CONTROL:

Elevations are referred to N.G.V.D. 1929.

Benchmark used:

- N.O.S. 872 3962 C Tidal, Elevation 4.12' N.A.V.D. 1988, Adjusted to N.G.V.D. 29 Elev.=5.59'
 Located @ 59.4 feet Southeast of the Southeast Corner of Key Colony City Hall
- N.O.S. 872 3962 E Tidal, Elevation 4.62'
 Located @ concrete slob for a Lift Station 2' Westerly of the common Lot corner of Lot 3 and Lot 4 P.B. 7-73

6. FLOOD INFORMATION:

NFIP Community Name: City of Key Colony Beach and Community Number 125121 Map/Panel Number 12087C1382.
 Suffix: K, FIRM Panel Effective/Revised Date 02-18-2005, Flood Zone AE, Base Flood Elevation 7 Feet.

7. LIMITATIONS:

- No research was made for other instruments than the existing in the plat and provided by client.
- No determination was made as to how the site can be served with utilities.
- Fences and walls ownership by visual means only; legal ownership not determined.
- No underground utilities and/or structures(foundations) was located within or abutting the Subject property.

SURVEYOR'S CERTIFICATION:

I certify: This Map of Boundary Survey meets all applicable requirements of the Florida Minimum Technical Standards as contained Chapter 5J-17. Unless indicated to the contrary, the measured distance and directions shown on the Map of Boundary Survey are the same as the deed distances and directions.
 Not valid without the signature and the original raised seal of Florida Licensed Surveyor and Mapper. Additions or deletions to Map of Boundary Survey by other than signing party or parties is prohibited without written consent of the signing party or parties. This Survey Map and Report are not full and complete without the other.



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Land Surveying, Inc.

State of Florida LB # 7980
 12455 S.W. 45th Miami, Florida, 33175
 Ph: (786)429-3334 (786)443-0285 (786)443-0678
 www.formtechsurveyors.com email:formtechsurveyors@gmail.com

Professional Surveyor and Mapper
 State of Florida LS # 6660

Digitally signed # 21-11093
 by Eugenia L. Formoso

Date:

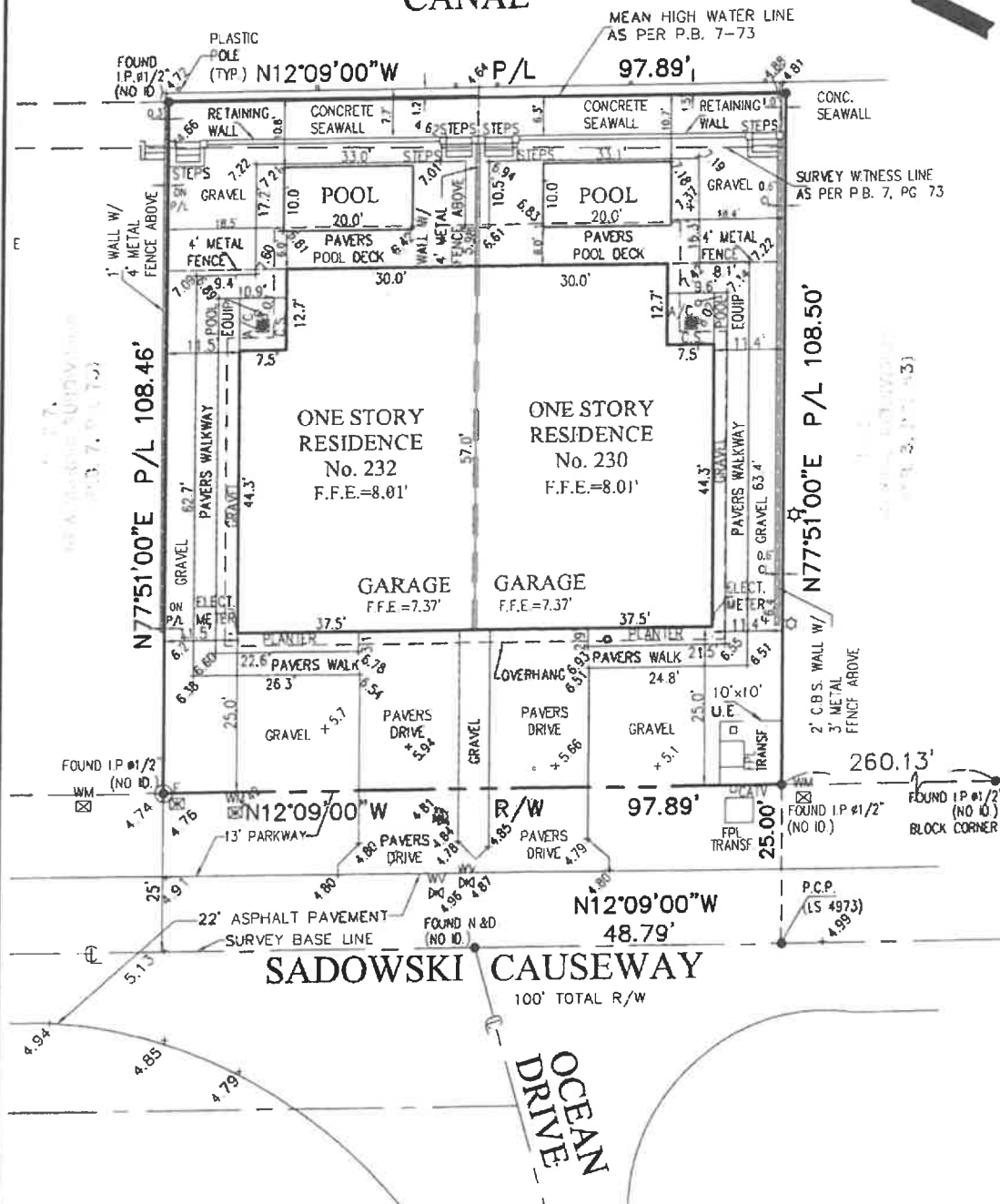
2023.07.24

14:25:47 -04'00"Page 1 of 2

MAP OF BOUNDARY SURVEY

P.B. 7 - PG. 73

CANAL



This Survey Map and Report are not full and complete without the other.

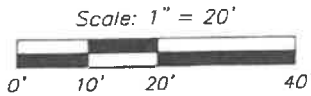
ABBREVIATIONS & LEGEND

A Arc	Pg Page	WM Unknown Manhole	✕ Fire Hydrant
FND Found	R/W Right-of-Way	(S) Sewer Manhole	— Wood Fence
U.E. Utility Easement	C.L. Center Line	(T) Telephone Manhole	— Metal or plastic Fence
IP Iron Pipe	M Monument Line	WM Water Meter	— Overhead Utility line
IR Iron Rebar	TBM Temporary Benchmark	WV Water Valve	+ Spot Elevation
N&D Nail & Disc	PWY Parkway	CB Catch basin	
COL Column	W/P Water Pump		
P.B. Plat Book	ENC Encroachment		



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GRAPHIC SCALE

Project # 21-11093
Job # 23-07063
Date: 07-19-2023

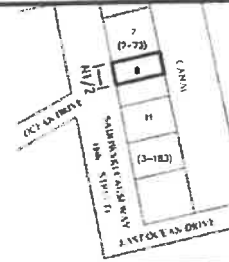
Page 2 of 2

Exhibit B

MAP OF BOUNDARY SURVEY



Property address:
232 Sadowski Causeway
City: Key Colony Beach
County: Monroe
State: Florida Zip Code: 33051
ID # 00079372-000800



SUBJECT PROPERTY

LOCATION SKETCH
NOT TO SCALE



SURVEYOR'S REPORT:

1. MAP OF BOUNDARY SURVEY, Fieldwork date of data acquisition. July 19th, 2023.

2. LEGAL DESCRIPTION:

The North half of Lot 8, NEW MARINA SUBDIVISION, according to the plat thereof, as recorded in Plat Book 7, at Page 73, of the Public Records of Monroe County, Florida.

3. AREA:

Containing 5,309 Square Feet or 0.12 Acres more or less by calculations.

4. ACCURACY:

The accuracy obtained by measurement and calculations of a closed geometric figure was found to exceed this requirement.

5. DATA OF SOURCES:

HORIZONTAL CONTROL:

-The Legal Description was furnished by client.
-North Arrow and Bearings refer to an assumed value of N12°09'00"W, along the Westerly Boundary line of the Subject Property as per P.B. 7, Pg. 73, of the Public Records of Monroe County, Florida

VERTICAL CONTROL:

Elevations are referred to N.G.V.D. 1929.

Benchmark used:

N.D.S. 872 3962 C Tidal, Elevation 4.12' N.A.V.D. 1988, Adjusted to N.G.V.D. 29 Elev.-5.59'.

Located @ 59.4 feet Southeast of the Southeast Corner of Key Colony City Hall

N.D.S. 872 3962 E Tidal, Elevation 4.62'

Located @ concrete slab for a Lift Station 2' Westerly of the common Lot corner of Lot 3 and Lot 4 P.B. 7-73

6. FLOOD INFORMATION:

NFIP Community Name: City of Key Colony Beach and Community Number 125121 Map/Panel Number 12087C1382, Suffix: K, FIRM Panel Effective/Revised Date 02-18-2005, Flood Zone AE, Base Flood Elevation 7 Feet

7. LIMITATIONS:

No research was made for other instruments than the existing in the plat and provided by client
No determination was made as to how the site can be served with utilities
Fences and walls ownership by visual means only; legal ownership not determined
No underground utilities and/or structures(foundations) was located within or abutting the Subject property.

SURVEYOR'S CERTIFICATION:

I certify. This Map of Boundary Survey meets all applicable requirements of the Florida Minimum Technical Standards as contained Chapter 5J-17. Unless indicated to the contrary, the measured distance and directions shown on the Map of Boundary Survey are the same as the deed distances and directions.
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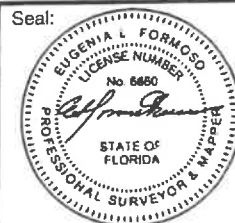
This Survey Map and Report are not full and complete without the other.



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www.formtechco.com
email:formtechsurvey@s@gmail.com

Seal:



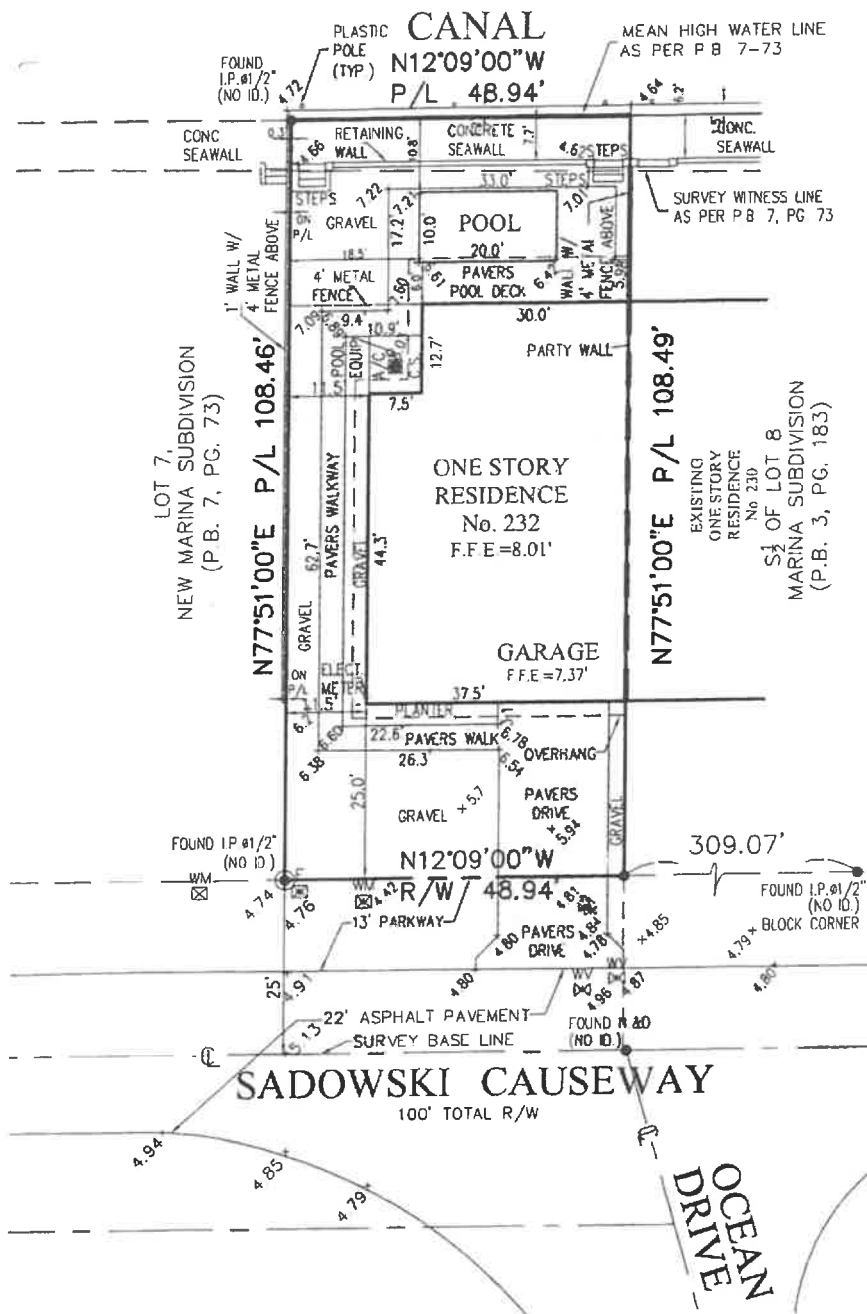
Project # 21-11093
Job # 26-100102 - 232

Date: 07-19-2023
Eugenia L. Formoso P.S.M.
State of Florida, S # 6660

Page 1 of 2

MAP OF BOUNDARY SURVEY

P.B. 7 - PG. 73



This Survey Map and Report are not full and complete without the other.

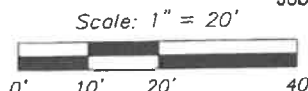
ABBREVIATIONS & LEGEND

A	Arc	Pg	Page	CH	Unknown Manhole	⊗	Fire Hydrant
FND	Found	R/W	Right-of-Way	⊙	Sewer Manhole	⊞	Wood Fence
U.E.	Utility Easement	CL	Center Line	⊕	Telephone Manhole	⊞	Metal or plastic Fence
IP	Iron Pipe	M	Monument Line	⊕	Water Meter	⊞	Overhead Utility line
IR	Iron Rebar	TBM	Benchmark	⊕	Water Valve	⊞	Spot Elevation
N&D	Nail & Disc	PWY	Parkway	⊕	Catch basin	⊞	
COL	Column	W/P	Water Pump	⊕		⊞	
P.B	Plot Book	ENC	Encroachment	⊕		⊞	



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www.formtechco.com email:formtechsurveyors@gmail.com



GRAPHIC SCALE

Project # 21-11093
Job # 26-100102 - 232
Date: 07-19-2023

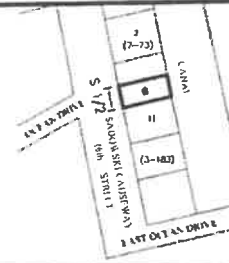
Page 2 of 2

Exhibit C

MAP OF BOUNDARY SURVEY



Property address:
230 Sadowski Causeway
City: Key Colony Beach
County: Monroe
State: Florida Zip Code: 33051
ID # 00079372-000800



SUBJECT PROPERTY

LOCATION SKETCH
 NOT TO SCALE



SURVEYOR'S REPORT:

1. MAP OF BOUNDARY SURVEY, Fieldwork date of data acquisition: July 19th, 2023.

2. LEGAL DESCRIPTION:

The South half of Lot 6, NEW MARINA SUBDIVISION, according to the plat thereof, as recorded in Plat Book 7, at Page 73, of the Public Records of Monroe County, Florida.

3. AREA:

Containing 5,311 Square Feet or 0.12 Acres more or less by calculations.

4. ACCURACY:

The accuracy obtained by measurement and calculations of a closed geometric figure was found to exceed this requirement.

5. DATA OF SOURCES:

HORIZONTAL CONTROL:

- The Legal Description was furnished by client.
- North Arrow and Bearings refer to an assumed value of N12°09'00"W, along the Westerly Boundary line of the Subject Property as per P.B. 7, Pg. 73, of the Public Records of Monroe County, Florida

VERTICAL CONTROL:

Elevations are referred to N.G.V.D. 1929.

Benchmark used:

N.O.S. 872 3962 C Tidal, Elevation 4.12' N.A.V.D. 1988, Adjusted to N.G.V.D. 29 Elev=5.59'.

Located @ 59.4 feet Southeast of the Southeast Corner of Key Colony City Hall

N.O.S. 872 3962 E Tidal, Elevation 4.62'

Located @ concrete slab for a Lift Station 2' Westerly of the common Lot corner of Lot 3 and Lot 4 P.B. 7-73

6. FLOOD INFORMATION:

NFIP Community Name: City of Key Colony Beach and Community Number 125121 Map/Panel Number 12087C1382, Suffix: K, FIRM Panel Effective/Revised Date 02-18-2005, Flood Zone AE, Base Flood Elevation 7 Feet.

7. LIMITATIONS:

- No research was made for other instruments than the existing in the plat and provided by client.
- No determination was made as to how the site can be served with utilities.
- Fences and walls ownership by visual means only, legal ownership not determined.
- No underground utilities and/or structures (foundations) was located within or abutting the Subject property.

SURVEYOR'S CERTIFICATION:

I certify This Map of Boundary Survey meets all applicable requirements of the Florida Minimum Technical Standards as contained Chapter 5J-17. Unless indicated to the contrary, the measured distance and directions shown on the Map of Boundary Survey are the same as the deed distances and directions. Not valid without the signature and the original raised seal of Florida Licensed Surveyor and Mapper. Additions or deletions to Map of Boundary Survey by other than signing party or parties is prohibited without written consent of the signing party or parties.

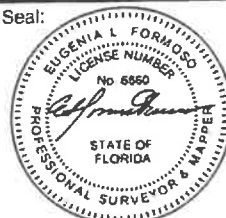
This Survey Map and Report are not full and complete without the other.



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 www.formtechsurveyors.com
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Seal:



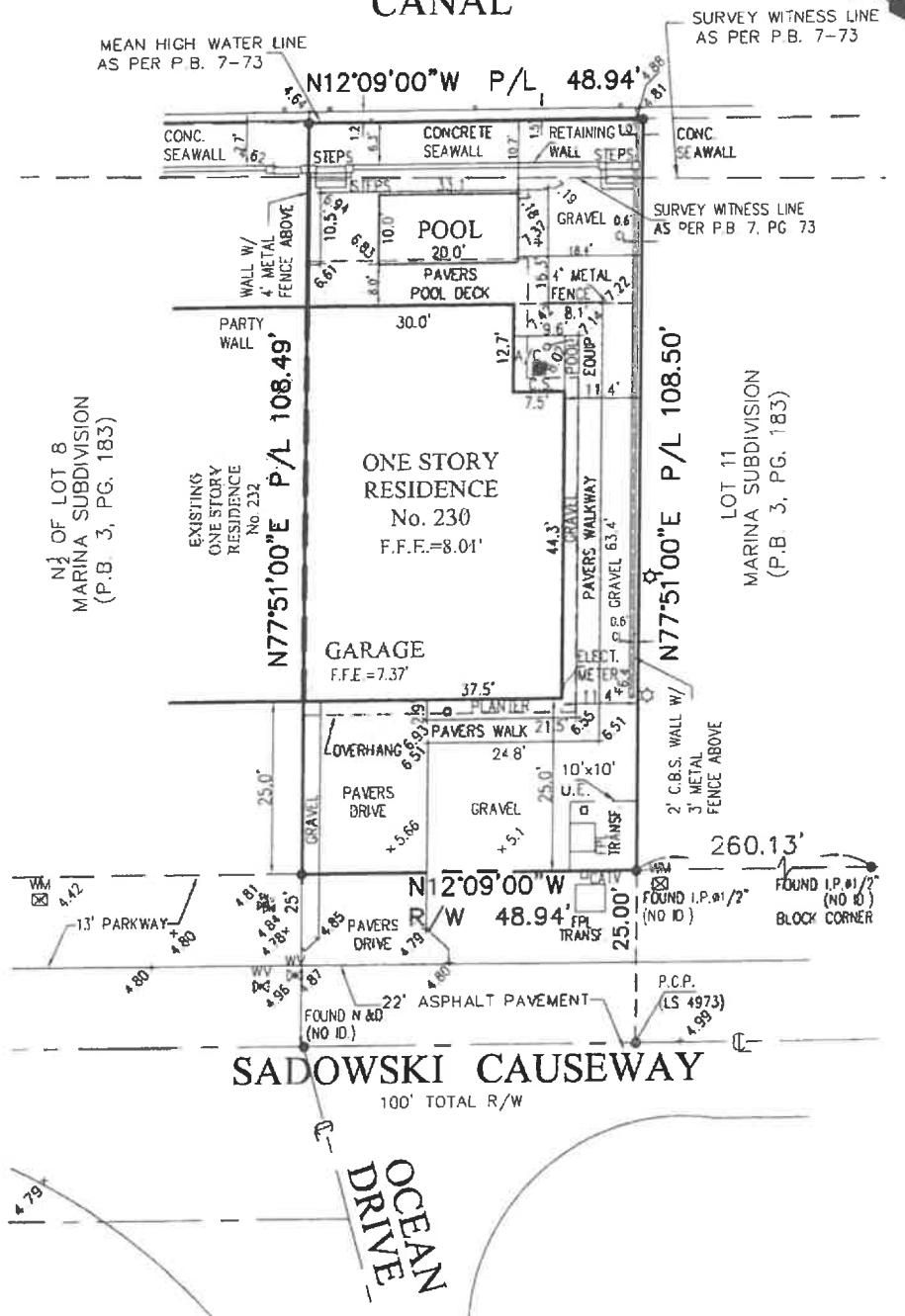
Project # 21-11093
 Job # 26-100102 - 230

Date: 07-19-2023
 Eugenia L. Formoso P.S.M.
 State of Florida LS # 6660

Page 1 of 2

MAP OF BOUNDARY SURVEY

CANAL



This Survey Map and Report are not full and complete without the other.

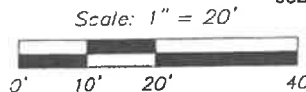
ABBREVIATIONS & LEGEND

A Arc	Pg Page	⊙ Unknown Manhole	⊗ Fire Hydrant	— Chain Link Fence
FND Found	R/W Right-of-Way	⊙ Sewer Manhole	⊗ Electric Box	— Wood Fence
U.E. Utility Easement	C Center Line	⊙ Telephone Manhole	⊗ Light Pole	— Metal or plastic Fence
IP Iron Pipe	M Monument Line	⊙ Water Meter	⊗ Utility Pole	— Overhead Utility line
IR Iron Rebar	TBM Temporary Benchmark	⊙ Water Valve	⊗ Concrete Light Pole	+ Spot Elevation
N&D Nail & Disc	PWY Parkway	⊙ Catch basin	⊗ Property Corner	
COL. Column	W/P Water Pump			
P.B. Plat Book	ENC Encroachment			



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GRAPHIC SCALE

Project # 21-11093
Job # 26-100102 - 230
Date: 07-19-2023

Page 2 of 2

Prepared by:

Wolfe Stevens PLLC

5800 Overseas Highway Suite 3

Marathon, FL 33050

(305)743-9858

Parcel ID Number: 00079372-000800

_____[Space Above This Line For Recording Data]_____

Party Wall Agreement

WHEREAS, TDGROUP RETAIL LLC, a Florida limited liability company, (hereinafter referred to as "TDGROUP") is the owner of the following described real property located in Monroe County, Florida.

See Exhibit A attached hereto and by reference made a part hereof.

WHEREAS, TDGROUP has applied for a lot split with the City of Key Colony Beach;

WHEREAS, Pursuant to the approved lot split the newly created lots are attached as Exhibits B and C;

WHEREAS, both of the above described units constitute one duplex building structure separated by a "Party Wall" as defined herein; and

WHEREAS, in order to maintain a high quality, private residence while insuring a consistent, harmonious character to such properties and the preservation of the residential suitability to each owner of his/her unit, it is deemed desirable to place certain restraints on the above described properties.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That TDGROUP does hereby adopt and prescribe the following covenants and restrictions which should be and are hereby impressed upon and henceforth will run with the land, to wit:

1. "Party Wall" shall mean and refer to the dividing wall between each adjoining duplex dwelling unit. Any matters concerning a Party Wall which are not covered by the terms of this Agreement shall be governed by the general rules of law regarding party walls.
2. The cost of maintaining each Party Wall shall be borne by the owners of the lots on either side of said Party Wall.
3. In the event of damage or destruction to the Party Wall or shared roof if the roofline is joining ("Common Structure" herein) from any cause, other than the negligence of either party hereto, the owners of the lots on either side of said Common Structure shall repair or rebuild said Common Structure. The cost of such repair or rebuilding shall be borne

equally by the owners whose lots adjoin said Common Structure. If either owner's negligence or intentional act shall cause damage to or destruction of said Common Structure, such party shall bear entire cost of repair or reconstruction. If either party shall neglect or refuse to pay his share, or all of such costs in case of negligence or intentional act, the other party may have such Common Structure repaired or restored and shall be entitled to have a judgement for damages against the party so failing to pay, for the amount of such defaulting party's share of the repair or replacement costs together with interest at the maximum rate allowable by law. The party having such Common Structure repaired shall, in addition to the judgment for damages, be entitled to recover its cost and reasonable attorney's fees and shall be entitled to all other remedies provided herein or by law

4. Neither owner shall alter or change a Common Structure in any manner, non-structural interior decoration excepted, and such Common Structures shall remain in the same location as when originally erected. Each adjoining owner to said Common Structure shall have a perpetual easement in that part of the premises of the other on which said Common Structure is located, for the purposes of such Common Structure and any other additional area necessary to repair, replace, and maintain same.
5. Each owner shall keep all exterior walls of his dwelling unit in good condition and repair at his sole cost and expense. No owner shall do or permit to be done any act or thing that would tend to depreciate the value of the building (e.g. variance in design, colors, roofing, failure to reasonably maintain the landscaping, etc.)
6. Each owner shall maintain the roof over his dwelling unit in good condition and in such manner so as not to damage other portion of the building. Each owner shall share equally in the costs to repair or maintain the roof over the Party Wall due to normal wear or physical damage. If a roofline is joined and both roofs must be replaced, replacement will be coordinated between the owners.
7. At any time, either owner may (at his expense) have his dwelling inspected by a licensed inspector to determine the presence of termites in the duplex. If a licensed termite inspection of either dwelling reveals that there is an active termite infestation the parties agree that the entire duplex shall be fumigated and that each party shall bear one-half of the cost of such fumigation. Each party shall bear one-half of the cost of termite damage to a Common Structure. Termite damage to an owner's unit shall be borne solely by that unit's owner.
8. An owner who, by his negligence, disinterest or willful act causes a Party Wall or roof to be exposed to the elements, shall bear the whole cost of furnishing the necessary protection against such elements and shall pay all damages resulting from such exposure. The cost of normal and timely weatherproofing and maintenance of the roof shall be in accordance with Paragraph 6.
9. In the event it shall be necessary for any owner to place this Agreement in the hands of an attorney for the enforcement of any of such owner's rights hereunder or for the recovery of any monies due to such owner hereunder, and if it is necessary to bring suit for the

enforcement of such rights or such recovery, the prevailing party in such suit shall recover from the losing party all costs of court and reasonable attorney's fees, including appellate fees, as determined by the court, in addition to any other relief or recovery awarded by the Court.

10. To the extent that there exist any utility connections serving the half of the duplex other than the half on which they are located, the parties hereby grant reciprocal easements to each other for such connections in their current locations, such easements to run with the land.
11. These covenants are to run with the land and shall be binding on all parties, their heirs, executors and assigns and all persons claiming under them.

Enforcement of these covenants shall be by proceeding at law or in equity against any person or persons violating or attempting to violate the same seeking either to restrain violation or to recover damages or both.

Invalidation of any one of these covenants by judgement or court order shall in no way effect any of the other provisions which remain in full force and effect.

IN WITNESS WHEREOF, TDGROUP RETAIL LLC has duly executed this Agreement as follows:



Witness #1

TDGROUP RETAIL LLC, a Florida limited liability company

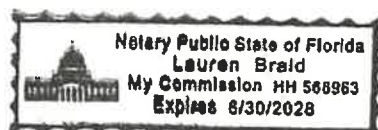
By: Jose Antonio Alvarez as manager



Witness #2

STATE OF FLORIDA
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 13 day of October, 2026 by Jose Antonio Alvarez as manger of TDGROUP RETAIL LLC, a Florida limited liability company who ☒ is personally known or ☐ has produced a driver's license as identification.





Notary Public, State of Florida
Printed Name: Lauren Braid
My Commission Expires: 6/30/28

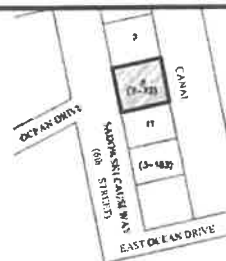
Exhibit A

MAP OF BOUNDARY SURVEY



SUBJECT PROPERTY

Property address:
230-232 Sadowski Causeway
City: Key Colony Beach
County: Monroe
State: Florida Zip Code: 33051
ID # 00079372-000800



LOCATION SKETCH
NOT TO SCALE



SURVEYOR'S REPORT:

1. MAP OF BOUNDARY SURVEY, Fieldwork date of data acquisition: July 19th, 2023.

2. LEGAL DESCRIPTION:

Lot 8, NEW MARINA SUBDIVISION, according to the plat thereof, as recorded in Plat Book 7, at Page 73, of the Public Records of Monroe County, Florida.

3. AREA:

Containing 10,620 Square Feet or 0.24 Acres more or less by calculations.

4. ACCURACY:

The accuracy obtained by measurement and calculations of a closed geometric figure was found to exceed this requirement.

5. DATA OF SOURCES:

HORIZONTAL CONTROL:

- The Legal Description was furnished by client.
- North Arrow and Bearings refer to an assumed value of N12°09'00"W, along the Westerly Boundary line of the Subject Property as per P.B. 7, Pg. 73, of the Public Records of Monroe County, Florida.

VERTICAL CONTROL:

Elevations are referred to N.G.V.D. 1929.

Benchmark used:

N.O.S. 872 3962 C Tidal, Elevation 4.12' N.A.V.D. 1988, Adjusted to N.G.V.D. 29 Elev.=5.59'.

Located @ 59.4 feet Southeast of the Southeast Corner of Key Colony City Hall.

N.O.S. 872 3962 E Tidal, Elevation 4.62'.

Located @ concrete slab for a Lift Station 2' Westerly of the common Lot corner of Lot 3 and Lot 4 P.B. 7-73.

6. FLOOD INFORMATION:

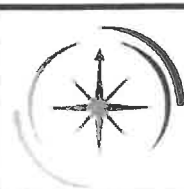
NFIP Community Name: City of Key Colony Beach and Community Number 125121 Map/Panel Number 12087C1382.
Suffix: K, FIRM Panel Effective/Revised Date 02-18-2005, Flood Zone AE, Base Flood Elevation 7 Feet.

7. LIMITATIONS:

No research was made for other instruments than the existing in the plot and provided by client.
No determination was made as to how the site can be served with utilities.
Fences and walls ownership by visual means only; legal ownership not determined.
No underground utilities and/or structures(foundations) was located within or abutting the Subject property.

SURVEYOR'S CERTIFICATION:

I certify: This Map of Boundary Survey meets all applicable requirements of the Florida Minimum Technical Standards as contained Chapter 5J-17. Unless indicated to the contrary, the measured distance and directions shown on the Map of Boundary Survey are the same as the deed distances and directions.
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www.formtechsurveyors.com email:formtechsurveyors@gmail.com

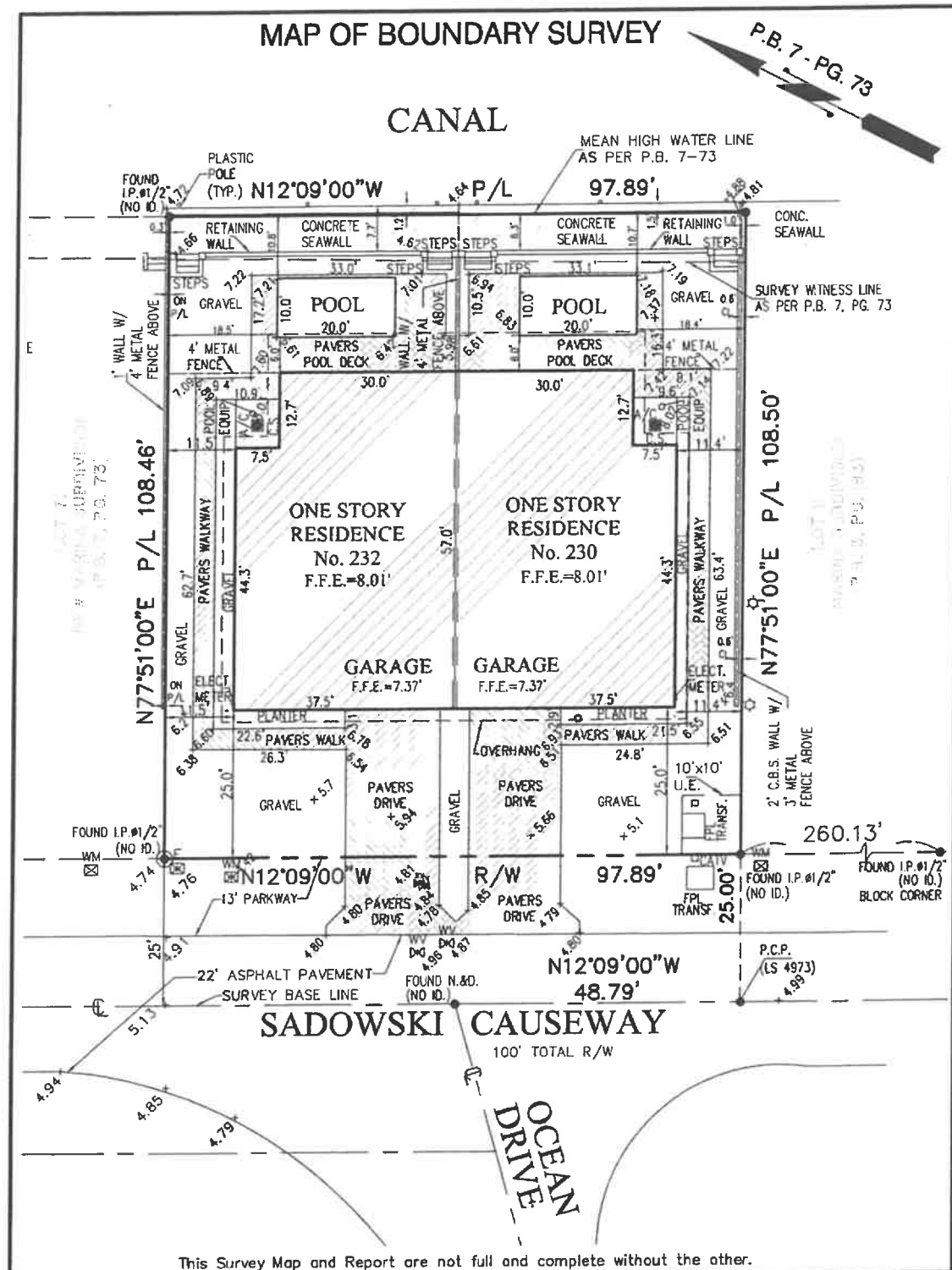


Professional Surveyor and Mapper
State of Florida LS # 6660

Digitally signed # 21-11093
by Eugenia L. Formoso

Date:
2023.07.24

14:25:47 -04'00"Page 1 of 2



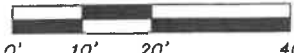
ABBREVIATIONS & LEGEND					
A Arc	Pg. Page	MC Unknown Manhole	⊗ Fire Hydrant	—x— Chain Link Fence	
FND Found	R/W Right-of-Way	⊙ Sewer Manhole	⊠ Electric Box	— Wood Fence	
U.E. Utility Easement	CL Center Line	⊕ Telephone Manhole	⊞ Light Pole	— Metal or plastic Fence	
IP Iron Pipe	M Monument Line	⊗ Water Meter	⊞ Utility Pole	— DUL Overhead Utility line	
IR Iron Rebar	TBM Temporary Benchmark	⊗ Water Valve	⊞ Concrete Light Pole	+ Spot Elevation	
N&D Nail & Disc	PWY Parkway	⊗ Catch basin	● Property Corner		
COL Column	W/P Water Pump				
P.B. Plat Book	ENC Encroachment				



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Ph: (786)429-3034 (786)443-0285 (786)443-0678
www.formtechsurveyors.com email: formtechsurveyors@gmail.com

Scale: 1" = 20'



GRAPHIC SCALE

Project # 21-11093
Job # 23-07063
Date: 07-19-2023

Page 2 of 2

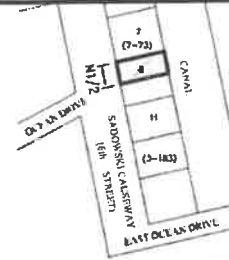
Exhibit B

MAP OF BOUNDARY SURVEY



SUBJECT PROPERTY

Property address:
232 Sadowski Causeway
City: Key Colony Beach
County: Monroe
State: Florida Zip Code: 33051
ID # 00079372-000800



LOCATION SKETCH
 NOT TO SCALE



SURVEYOR'S REPORT:

1. MAP OF BOUNDARY SURVEY, Fieldwork date of data acquisition: July 19th, 2023.

2. LEGAL DESCRIPTION:

The North half of Lot 8, NEW MARINA SUBDIVISION, according to the plat thereof, as recorded in Plat Book 7, at Page 73, of the Public Records of Monroe County, Florida.

3. AREA:

Containing 5,309 Square Feet or 0.12 Acres more or less by calculations.

4. ACCURACY:

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5. DATA OF SOURCES:

HORIZONTAL CONTROL:

- The Legal Description was furnished by client.
- North Arrow and Bearings refer to an assumed value of N12°09'00"W, along the Westerly Boundary line of the Subject Property as per P.B. 7, Pg. 73, of the Public Records of Monroe County, Florida.

VERTICAL CONTROL:

Elevations are referred to N.G.V.D. 1929.

Benchmark used:

N.O.S. 872 3962 C Tidal, Elevation 4.12' N.A.V.D. 1988, Adjusted to N.G.V.D. 29 Elev.=5.59'.

Located @ 59.4 feet Southeast of the Southeast Corner of Key Colony City Hall.

N.O.S. 872 3962 E Tidal, Elevation 4.62'.

Located @ concrete slab for a Lift Station 2' Westerly of the common Lot corner of Lot 3 and Lot 4 P.B. 7-73.

6. FLOOD INFORMATION:

NFIP Community Name: City of Key Colony Beach and Community Number 125121 Map/Panel Number 12087C1382, Suffix: K, FIRM Panel Effective/Revised Date 02-18-2005, Flood Zone AE, Base Flood Elevation 7 Feet.

7. LIMITATIONS:

No research was made for other instruments than the existing in the plat and provided by client.
 No determination was made as to how the site can be served with utilities.
 Fences and walls ownership by visual means only; legal ownership not determined.
 No underground utilities and/or structures(foundations) was located within or abutting the Subject property.

SURVEYOR'S CERTIFICATION:

I certify: This Map of Boundary Survey meets all applicable requirements of the Florida Minimum Technical Standards as contained Chapter 5J-17. Unless indicated to the contrary, the measured distance and directions shown on the Map of Boundary Survey are the same as the deed distances and directions.
 Not valid without the signature and the original raised seal of Florida Licensed Surveyor and Mapper. Additions or deletions to Map of Boundary Survey by other than signing party or parties is prohibited without written consent of the signing party or parties.

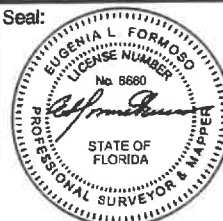
This Survey Map and Report are not full and complete without the other.



FormTech
Land Surveying, Inc.

State of Florida LB # 7980
 12955 S.W. 42nd Street, Suite 7, Miami, Florida, 33175
 Ph: (786)429-3034 (786)443-0285 (786)443-0678
 www.formtechco.com
 email:formtechsurveyors@gmail.com

Seal:

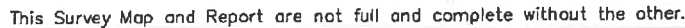


Project # 21-11093
 Job # 26-100102 - 232

Date: 07-19-2023
 Eugenia L. Formoso, P.S.M.
 State of Florida LS # 6660

Page 1 of 2

P.B. 7 - PG. 73



ABBREVIATIONS & LEGEND									
A	Arc	Pg.	Page	Unknown Manhole	Fire Hydrant	Chain Link Fence			
FND	Found	R/W	Right-of-Way	Sewer Manhole	Electric Box	Wood Fence			
U.E.	Utility Easement	C	Center Line	Telephone Manhole	Light Pole	Metal or plastic Fence			
IP	Iron Pipe	M	Monument Line	Water Meter	Utility Pole	Overhead Utility line			
IR	Iron Rebar	TBM	Temporary Benchmark	Water Valve	Concrete Light Pole	Spot Elevation			
N&D	Nail & Disc	PWM	Parkway Water Pump	Catch basin	Property Corner				
COL.	Column	W/P	Encroachment						
P.B.	Plat Book	ENC							

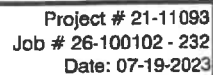


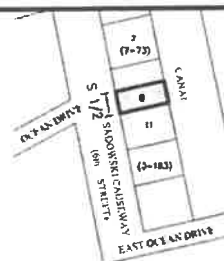
Exhibit C

MAP OF BOUNDARY SURVEY



SUBJECT PROPERTY

Property address:
230 Sadowski Causeway
City: Key Colony Beach
County: Monroe
State: Florida Zip Code: 33051
ID # 00079372-000800



LOCATION SKETCH
NOT TO SCALE



SURVEYOR'S REPORT:

1. MAP OF BOUNDARY SURVEY, Fieldwork date of data acquisition: July 19th, 2023.

2. LEGAL DESCRIPTION:

The South half of Lot 8, NEW MARINA SUBDIVISION, according to the plat thereof, as recorded in Plat Book 7, at Page 73, of the Public Records of Monroe County, Florida.

3. AREA:

Containing 5,311 Square Feet or 0.12 Acres more or less by calculations.

4. ACCURACY:

The accuracy obtained by measurement and calculations of a closed geometric figure was found to exceed this requirement.

5. DATA OF SOURCES:

HORIZONTAL CONTROL:

- The Legal Description was furnished by client.
- North Arrow and Bearings refer to an assumed value of N12°09'00"W, along the Westerly Boundary line of the Subject Property as per P.B. 7, Pg. 73, of the Public Records of Monroe County, Florida.

VERTICAL CONTROL:

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Benchmark used:

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N.O.S. 872 3962 E Tidal, Elevation 4.62'.

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6. FLOOD INFORMATION:

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7. LIMITATIONS:

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No determination was made as to how the site can be served with utilities.

Fences and walls ownership by visual means only; legal ownership not determined.

No underground utilities and/or structures (foundations) was located within or abutting the Subject property.

SURVEYOR'S CERTIFICATION:

I certify: This Map of Boundary Survey meets all applicable requirements of the Florida Minimum Technical Standards as contained Chapter 5J-17. Unless indicated to the contrary, the measured distance and directions shown on the Map of Boundary Survey are the same as the deed distances and directions.

Not valid without the signature and the original raised seal of Florida Licensed Surveyor and Mapper. Additions or deletions to Map of Boundary Survey by other than signing party or parties is prohibited without written consent of the signing party or parties.

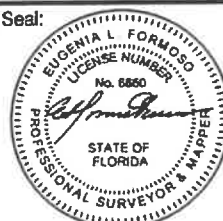
This Survey Map and Report are not full and complete without the other.



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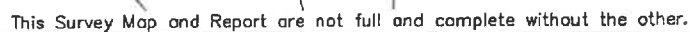
Project # 21-11093
Job # 26-100102 - 230

Date: 07-19-2023
Eugenia L. Formoso, P.S.M.
State of Florida LS # 6660

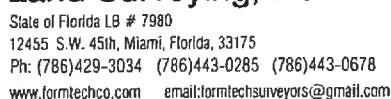
Page 1 of 2

P.B. 7 - PG. 73

SURVEY WITNESS LINE
AS PER P.B. 7-73



ABBREVIATIONS & LEGEND									
A	Arc	Pg.	Page		Unknown Manhole			Chain Link Fence	
FND	Found	R/W	Right-of-Way		Sewer Manhole			Wood Fence	
U.E.	Utility Easement	C	Center Line		Telephone Manhole			Metal or plastic Fence	
IP	Iron Pipe	M	Monument Line		Water Meter			Overhead Utility line	
IR	Iron Rebar	TBM	Temporary Benchmark		Water Valve			Spot Elevation	
N&D	Nail & Disc	PWY	Parkway		Catch basin				
COL	Column	W/P	Water Pump						
P.B.	Plat Book	ENC	Encroachment						



Scale: 1" = 20'



0' 10' 20' 40'

GRAPHIC SCALE

ORDINANCE NO. 2026-516

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING THE CITY OF KEY COLONY BEACH CODE OF ORDINANCES AND LAND DEVELOPMENT CODE TO AMEND ARTICLE II (DEFINITIONS) OF THE LAND DEVELOPMENT CODE; TO AMEND ARTICLE III (DISTRICT REGULATIONS) OF THE LAND DEVELOPMENT CODE; TO AMEND ARTICLE VIII (FLOODPLAIN MANAGEMENT) OF THE LAND DEVELOPMENT CODE; TO AMEND CODE OF ORDINANCES, CHAPTER 6 (BUILDINGS) RELATED TO AMENDING THE FLORIDA BUILDING CODE FOR FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY, APPLICABILITY AND CODIFICATION; 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 (Municipalities), 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 Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and has achieved Class 7 designation; and

WHEREAS, Chapter 553, Florida Statutes, allows for local administrative and technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the City Commission previously adopted local amendments to the Florida Building Code and is reformatting those amendments as part of its Code of Ordinances and Land Development Code; and

WHEREAS, the City Commission is repealing previously adopted local amendments to require accumulation of costs of improvements and repairs over a three-year period and to consider repetitive damage from flooding; and

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code*, and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, and are in compliance with section 553.73(4), Florida Statutes.

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, THAT THE CODE OF ORDINANCES AND LAND DEVELOPMENT CODE ARE AMENDED AS SET FORTH IN THE FOLLOWING AMENDMENTS, AS SHOWN IN STRIKETHROUGH AND BOLD UNDERLINE FORMAT IN SECTION 2, MORE PARTICULARLY AS FOLLOWS:

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1: Recitals.

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

Section 2: Amendments.

- A. Article II (DEFINITIONS) of the Land Development Code is hereby amended as set forth in *Attachment A*, which attachment is incorporated herein by this reference.
- B. Article III (DISTRICT REGULATIONS) of the Land Development Code is hereby amended as set forth in *Attachment B*, which attachment is incorporated herein by this reference.
- C. Article VIII (FLOODPLAIN MANAGEMENT) of the Land Development Code is hereby amended as set forth in *Attachment C*, which attachment is incorporated herein by this reference.
- D. Chapter 6 (BUILDINGS), Article I (BUILDING CODE) of the Code of Ordinances is hereby amended as set forth in *Attachment D*, which attachment is incorporated herein by this reference.

Section 3: Fiscal Impact Statement.

In terms of design, plan application review, construction, and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. Therefore, in terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

Section 4: Applicability.

For the purposes of jurisdictional applicability, this Ordinance shall apply in the City of Key Colony Beach, Florida. This Ordinance shall apply to all applications for development in flood hazard areas submitted on or after the effective date of this Ordinance.

Section 5: Inclusion in the Code of Ordinances and Land Development Code.

It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Key Colony Beach Code of Ordinances and Land Development Code, and that the sections of this ordinance may be renumbered or re-lettered to conform to the uniform numbering system of the Code of Ordinances and Land Development Code. The word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6: 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 7: 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 22nd day of October 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 19th day of November 2026.

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

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

Freddie Foster
Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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

ATTACHMENT A

Land Development Code Article II (DEFINITIONS)

ARTICLE II. - DEFINITIONS

Sec. 101-7. - Interpretation.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure;" the word "used" includes the words "designed, intended or arranged to be used," and said words may be used interchangeably; the term "land use" includes also the use of a building unless the context indicates otherwise; the word "lot" includes the words "plot" or "tract;" the word "land" shall include water, surface and land under water; the word "shall" is mandatory and not directory; the word "person" includes also the terms firm, partnership or corporation, or any executor, administrator, assign or agent of any of the foregoing.

Sec. 101-8. - Definitions.

For the purposes of the chapter, certain words and terms are defined as follows:

Accessory structure or use: A garage, carport, tool shed, bathhouse, tennis court, swimming pool, spa, hot tub, dock facility or other structure of a similar nature on a lot or parcel that is subordinate to the main or principal building or use. Garden structures or greenhouses shall not be considered accessory buildings within the meaning of this definition.

Acre, net: For the purpose of defining density of dwelling units per acre, a net acre is a lot or parcel containing forty-three thousand five hundred sixty (43,560) square feet including utility easements, but excluding public streets or rights-of-way and excluding bay bottom and all property lying seaward of the mean high water line.

Addition: Any change in the footprint and/or structural supporting arrangements of a building.

Alteration: Any change or modification of construction, space arrangement and/or occupancy of a building, including but not limited to, electrical, plumbing, mechanical, and roofing.

Antennas as defined in this chapter shall include: any apparatus designed for transmitting and/or receiving of electromagnetic waves which includes but is not limited to telephonic, radio or television communications. Types of antennas include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM & TV), yagie, or parabolic (dish) antennas.

The definition shall also include antenna supporting structures which means a vertical projection composed of metal, wood, or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures may be either guyed, self-supporting (lattice), monopoles, or in some other configuration.

The definition shall not include amateur radio antennas to the extent that such local regulation is preempted by Florida Statute 125.561. However, under no circumstances shall an amateur radio antenna exceed 70 feet in height, but all antennas exceeding 40 feet shall be of crank-up type. Measurement should be from the crown of the road. (See article IV, supplemental regulations, section 101-26(1) for restrictions on antennas.)

Apartment building: See "dwelling, multifamily."

ASCE 24: A standard titled Flood-Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood: A flood having a 1-per cent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-per cent-annual chance flood."

Base flood elevation: The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement: For the purposes of Article VIII Floodplain Management, the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Building: Any structure having a roof and which is entirely separated from any other structure by space. See also "structure."

Building area: The area of a building is the area computed from the dimensions at the exterior of the building walls, plus attached porches enclosed with glass or jalousies and with interiors finished in a manner comparable with that of the interior of the main part of the building including enclosed or open garages, open or screened porches, carports and similar structures.

Building height: The vertical distance from the crown of road to the highest point of the uppermost story.

Building, main: A main building is the building in which the principal use of a plot is conducted.

Club, beach: Persons associated together for profit or as a nonprofit organization for the purpose of providing ocean beach front property for ocean swimming, and may include a swimming pool, appurtenant buildings and grounds for other recreational purposes.

Club, private membership: Person or persons associated together for profit or as a nonprofit organization. Such clubs shall have a bona fide membership.

Coastal high hazard area: A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Commission: The city commission.

Committee: The planning and zoning committee.

Community residential home: A dwelling unit licensed to serve clients of the department of health and rehabilitative services, which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of residents. The clients are limited to: children, the aged, physically disabled, handicapped, developmentally disabled, and mentally ill who do not constitute a direct threat to the health, property and safety of the neighborhood. State statutory requirements must be met, including definitions of the foregoing categories, a municipal review process, a 1,200 foot minimum spacing between such homes and a 500 foot distance from an R-1 or R-2 district.

Construction vehicle: Any type of trencher, grader, tractor, back hoe, dragline, crane, trailer, derrick, hoist, roller, lowboy or other machines used for construction, either self-propelled or without independent motive power, which are used for construction or industrial purposes. Construction vehicle shall not include a motor vehicle primarily designed to transport persons.

Declaration of Land Restriction (Nonconversion Agreement): A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings.

Density: The site area available for development, including the land needed for private internal drives but excluding adjacent rights-of-way and land below the mean high tide.

Design flood: The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a 1-per cent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation: The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

Development: For the purposes of Article VIII, Floodplain Management, any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Dock box: A storage container for marine and fishing gear not to exceed 3 feet wide by 3 feet high by 6 feet long.

Dockside shelter: A structure that is open on all sides with a roof and located close to the canal.

Dwelling, multiunit: A building or coordinated complex of buildings each of which contains 3 or more dwelling units.

Dwelling, one unit: A building that contains one dwelling unit only, also a manufactured house, group home or family day care home as defined herein.

Dwelling, two unit: A single building or dwelling that contains 2 dwelling units, whether attached or one above the other.

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (See article IV, Supplemental Regulations, section 101-41 for dwelling unit standards.)

Existing building and existing structure: Any buildings and structures for which the "start of construction" commenced before July 16, 1971.

Family day care home: An HRS-licensed day care center for 5 or less children during school hours and 10 during nonschool hours.

Federal Emergency Management Agency (FEMA): The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Fish-cleaning station: A table not to exceed 30 inches by 60 inches with or without an enclosed base.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials: Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area: The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a 1-per cent or greater chance of flooding in any year.

- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM): The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood Insurance Study (FIS): The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain Administrator: The office or position designated and charged with the administration and enforcement of this article (may be referred to as the Floodplain Manager).

Floor: A surface within a building perimeter on which said surface a person can stand and which the vertical height of the space from the said floor exceeds 6 feet.

Cross reference(s)— See definition of floor, article VIII.

Florida Building Code: The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Frontage: The distance measured along a street right-of-way.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Garage, private: A structure for the private use of the owner or occupant of the principal building for the storage of noncommercial motor vehicles.

Garden structure: A structure such as a chickee, pergola, arbor, gazebo or structure of a similar nature.

Gasoline station: Any place that is designed or used for the retail sale and direct delivery to motor vehicles of fuels, lubricating oil, air, water and other operating commodities but not facilities for the installation of such commodities but not including the performance of any auto body work, welding, painting or other than emergency repairs on any motor vehicle.

Group home: A dwelling unit licensed to serve clients of the Department of Health and Rehabilitative Services which provides a living environment for 6 or less unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of residents. The clients are limited to: children (including foster children), the aged, physically disabled, handicapped, developmentally disabled and mentally ill who do not constitute a direct threat to the health, property and safety of the neighborhood. State statutory requirements must be met, including 1,000 foot (or more) spacing between such homes.

Habitable floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage and/or parking purposes is not a habitable floor.

Hardship: As relates to variances from this article means the exceptional difficulty associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure: Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Home occupation: See section 101-34(2).

Hotel: A building or group of buildings designed to provide sleeping accommodations for transient or overnight guests, and includes motor lodge, motel or any similar establishment. A hotel unit is a room or suite.

Letter of Map Change (LOMC): An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(1) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Lighting, outside: Lighting devices installed on a building for the purpose of outside illumination.

Livable floor area: Building area less enclosed or open garages, open or screened porches, carports and similar structures.

Lot: A parcel of land designated on a recorded subdivision plat or any piece of land described by a legally recorded deed which is occupied or intended to be occupied by a building.

Lot, combined: A lot plus all or a portion of an adjacent lot or lots, each meeting minimum requirements of that land use district, which are aggregated together to form a single building lot in conformance with the requirements of this chapter.

Lot, corner: Any lot situated at the junction of and abutting on 2 or more intersecting or intercepting streets.

Lot coverage: Total area of all buildings and structures located on a lot. Maximum percent of lot coverage permitted shall not include projections of eaves, stairways, or fire escapes, but shall include any other covered area such as garage, carport, porch, balcony, storage area, swimming pool, etc. Uncovered parking area, swimming pool, patio, tennis court, shuffleboard or other game equipment shall not be included in computing coverage, whether screened or not screened.

Lot finished grade: The final grade of the lot immediately adjacent to the structure after construction is completed and landscaping is in place.

Lot grade: The natural elevation of a lot before construction.

Lot line, front: In the case of a lot abutting upon only one street, the front lot line is the line separating said lot from said street. On those lots which are at the end (dead-end) of the streets and which abut the 2 bays of water

along the north side of the city, the front lot line will be that portion of the lot line that adjoins the side and/or the end of the street. In the case of any other lot, one such line shall be elected to be the front lot line for the purposes of this chapter, provided it is so designated by the building plans which meet the approval of the building official.

Lot line, rear: The boundary which is opposite and most distant from the front lot line. However, on those lots which are at the end (dead-end) of the streets and which abut the 2 bays of water along the north side of the city, the rear lot line will be that portion of the lot line along the canal and/or other body of water.

Lot line, side: Any lot boundary line not a front lot line or a rear lot line.

Lowest floor: The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

~~*Manufactured house:* A new dwelling unit which: (1) meets the HUD Manufactured Home Construction and Safety Standards, (2) is not a mobile home as defined in section 101-91, (3) meets the architectural review criteria in section 101-167, and (4) is constructed in one or more sections in the factory and trucked to the site for assembly on a foundation.~~

***Manufactured home:* A "manufactured building" as defined in s. 553.36(13), F.S. which is intended for single-family residential use, or a "manufactured home" as defined in s. 320.01(2)(b), F.S. which is constructed in whole or in part offsite and is treated as real property.**

~~*Market value:* The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market The value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, is the Actual Cash Value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the County Property Appraiser.~~

Mean high water line: A line determined by a registered Florida land surveyor.

New construction: For the purposes of Article VIII, Floodplain Management and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after July 16, 1971, and includes any subsequent improvements to such structures.

Nonconforming building or structure: A building or structure that has a size or location on the tract which does not conform with the regulations prescribed in this chapter but which was lawfully in existence at the time of the adoption of the regulations.

Nonconforming use: A use that does not conform to the regulations prescribed in this chapter for the district in which it is located but which was lawfully in existence at the time of the adoption of the regulations.

Ocean: Stevens Subdivision, and Block 6, part of Key Colony Beach Subdivision as they border the Atlantic Ocean.

Pet, household: Animals or birds that are customarily kept for personal enjoyment within the home. Such pets shall include dogs, domestic cats, domestic tropical birds, fish and hamsters (or similar small animals).

Private passenger vehicle: A noncommercial automobile, van sport utility vehicle or pick-up truck with a ¾-ton maximum capacity.

Public safety and nuisance: Anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable canal or basin.

Restaurant: An establishment where meals or prepared foods, including beverages, are served to customers. (See article IV, Supplemental Regulations, section 101-42 for requirements for restaurants and bars.)

Sand dunes: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Setback: The minimum horizontal distance which must remain free of structures between the street, rear or side lines of the lot, and the front, rear, or side lines of the walls of the building. When property is used and is adjacent to the Atlantic Ocean or Vaca Cut, the mean high water line will be used where the land to or seaward of the mean high water line is owned by the user.

Special flood hazard area: An area in the floodplain subject to a 1 per cent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction: The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns. **Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.** [Also defined in FBC, B Section 202.]

~~Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]~~

Story: That portion of a building included between the upper surface of any habitable or commercial use floor and the upper surface of the habitable or commercial use floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost habitable or commercial use floor and the roof above.

Street grade: The level at the street center line, top of curb, or surface of cement sidewalk, whichever is the highest.

Structure: Anything which requires a location on a parcel of land or in the water, whether permanent or temporary, exceeding 18 inches above the lot finished grade or 18 inches above the mean high water line. "Structure" also includes swimming pools, advertising signs and decorative pools; but excludes fences, dockside shelters, fish-cleaning stations, davits, boat lifts, dock boxes, driveways, sidewalks, yard adornments, flag poles, antennae and items that do not extend more than 18 inches above lot finished grade.

Subdivision: A subdivision is a division of a lot, tract or parcel of land into 2 or more lots, plots, sites, for the purpose of sale, rent, lease, building development, anchorage or other use.

Cross reference(s)—See definition for subdivision, article IX.

Substantial damage: Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 per cent of the market value of the building or structure before the damage occurred. ~~The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 per cent of the market value of the structure before the damage occurred. [Also defined in FBC, B Section 202.]~~ [Also defined in FBC, B Section 202.]

Substantial improvement: Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure ~~taking place during a 3-year period, the cumulative~~ the cost of which equals

or exceeds 50 per cent of the market value of the structure, either: (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. ~~The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to November 22, 2011.~~ This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. This term does not, however, include either:

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Swimming pool: A swimming pool is an in-ground structure containing therein a vessel of water for the purpose of recreational or hydrotherapy bathing of persons; it includes spas and hot tubs. An above grade pool is an outdoor pool with side walls that extend more than 18 inches above the lot finished grade.

Time-share period: That period of time when a purchaser of a time-sharing plan is entitled to the possession and use of the accommodations or facilities, or both, of a time-share plan.

Time-sharing plan: Any arrangement other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license or right-to-use agreement or by any other means, whereby a purchaser, in exchange for a consideration, receives a right to use accommodations or facilities, or both, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than 3 years.

Time-share unit: An accommodation or facility of a time-sharing plan which is divided into time-share periods.

Trellis: A structural frame with latticework used as a screen or as a support for climbing plants.

Utility use: Electric, telephone, cable, water, sewage or solid waste (recycling) facilities. A minor utility use serves only the adjacent blocks while a major utility use serves the entire city.

Vaca Cut: Stevens Subdivision Tract A; Vista del Sol Subdivision; and Courty II Subdivision, Block 3, Lots 10-30, Tract A, Tract E, and Block 2, Lots 46-48.

Variance: For the purposes of Article VIII Floodplain Management, a grant of relief from the requirements of this article, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this article or the Florida Building Code.

Waterfront: Any site shall be considered as waterfront premises provided any or all of its lot lines abut on or are contiguous to any body of water including canal, bay, ocean or any other body of water but not including a swimming pool.

Width of lot: The average width between the side lot lines of the lot.

Yard: An open space on the same lot with a building, said space being unoccupied or unobstructed from the ground upwards except as otherwise permitted herein.

Yard, front: The yard extending across the full width of the plot and lying between the front lines of the plot and the building on the streetside.

Yard, rear: The yard extending across the full width of the plot and lying between the rear lines of the plot and the building on the waterside if applicable.

Yard, side: The yard extending the full length of the plot and lying between the side lines of the plot and the building.

Yard adornments: Any statuary, fountain, bird bath, planter or similar item that is placed in any yard as a permanent adornment. (See article IV, Supplemental Regulations, section 101-26(10) for yard adornment regulations.)

Summary of District Regulations

Note: This is a summary table only; consult district regulations for full details.

District	Density	Lot Size Min. (Sq. Ft.)	Min. Lot Width	Front Setback (Feet)	Side Setback (Feet)	Corner Lot Side/Rear Setback (Feet)	Rear Set-back ⁽¹⁾ (Feet)	Floor Area Min. (Sq. Ft.) per D/U	Pervious Min. (%)	Cov-erage Max. (%)	Height Max. (Feet/ Stories)
R-1A	N/A	7,500	75	25	8.5	8.5	25	1200	15	N/A	30/2
R-1B	N/A	6,000	60	25	7.5	7.5	25	1,000	15	N/A	30/2
R-2A	N/A	6,000	60 75	25	7.5 8.5	7.5 8.5	20	800	15	N/A	30/2
R-2B	N/A	5,500	40	20 ⁽²⁾	5	5	15 ⁽²⁾	450	15	N/A	20/1
R-3	8 DU/A max.	20,000	75	50	15	15	20	900	20	33	35/3
R-H	8 DU/A max.	20,000	75	50	15	15	20	600	20	33	35/3
B-1	8 DU/A max. ⁽³⁾	10,000	90	25 ⁽⁴⁾	5 ⁽⁵⁾	25 ⁽⁵⁾	15	N/A	20	45	30/2
PB	N/A	N/A	N/A	25	20	25	25	N/A	20	N/A	30/2
PR	N/A	N/A	N/A	25	25	25	25	N/A	N/A	N/A	30

;sz;9q;(1) 50 foot setback from Vaca Cut and 100 foot setback from Ocean.

;sz;9q;(2) 5 foot setback from Clara Boulevard and Coral Lane.

;sz;9q;(3) Applies to live-aboard boats only, other dwellings not permitted.

;sz;9q;(4) 40 foot setback from Sadowski Causeway.

;sz;9q;(5) 25 foot setback from a residential parcel.

Sec. 101-9. - Reserved.

ATTACHMENT B

Land Development Code

Article III (DISTRICT REGULATIONS)

ARTICLE III. - DISTRICT REGULATIONS

Sec. 101-10. - R-1A One dwelling unit residence district.

- (1) *Intent.* This district is intended to accommodate one unit detached dwellings. It conforms with the single-family residential category of the comprehensive plan.
- (2) *Permitted uses.* One unit detached dwelling.
 - Dockside shelter and related uses.
 - Private boat dock or pier.
 - Private garage.
 - Swimming pool.
 - Tennis court.
 - Home occupation as defined in section 101-34.
 - Family day care home as defined in article II.
 - Utility use, minor.
 - Yard adornments.
- (4) *Lot area and width.*
 - Minimum lot area of 7,500 square feet.
 - Minimum lot width of 75 feet.
- (5) *Setbacks* (see also section 101-26).
 - Front yard minimum of 25 feet.
 - Side yard minimum of 8.5 feet on each side, except on a corner lot or a combined lot.
 - Rear yard minimum of 25 feet except a 50 foot minimum setback from mean high tide along Vaca Cut.
 - Corner lot minimum side yard of 25 feet on the street frontage and rear yard of 8.5 feet.
 - For combined lots, each side yard minimum shall be 10 per cent of total width.
- (6) *Floor area.* Minimum habitable building area of 1,200 square feet per dwelling unit.
- (7) *Pervious area.* Minimum of 25 per cent. Stormwater shall be retained onsite.
- (8) *Height.* ~~Maximum of 30 feet or 2 stories, whichever is less, for structures with habitable dwelling space below the applicable base flood elevation. Maximum of 40 feet and 2 stories as mandated by Florida Building Code for structures where all habitable space exceeds applicable base flood elevation. No mechanical equipment shall be allowed on roof.~~

Additions to existing structures containing nonconforming habitable space below the applicable base flood elevation shall be permitted, provided the total height of the structure, including the addition, does not exceed 30 feet or two (2) stories, whichever is less.

Additions to existing structures that conform to the flood provisions of the Florida Building Code shall not exceed 40 feet in height or two (2) stories, whichever is less.

New construction shall not exceed 40 feet in height or two (2) stories, whichever is less.

Mechanical equipment shall not be permitted on the roof.

- (9) *Special regulations.* See sections governing floodplain management [article VIII], parking [article V], landscaping [article VI] and signs [article X].

Sec. 101-11. - R-1B One dwelling unit residence district.

- (1) *Intent.* This district is intended to accommodate one unit detached dwellings. It conforms with the single-family residential category of the comprehensive plan.
- (2) *Permitted uses.* One unit detached dwelling.
- (3) *Accessory structures and uses.* See section 101-26 for detailed regulations.
- Dockside shelter and related uses.
 - Private boat dock or pier.
 - Private garage.
 - Swimming pool.
 - Tennis court.
 - Home occupation as defined in section 101-34.
 - Family day care home as defined in article II.
 - Utility use, minor.
 - Yard adornments.
- (4) *Lot area and width.*
- Minimum lot area of 6,000 square feet.
 - Minimum lot width of 60 feet.
- (5) *Setbacks* (see also section 101-26).
- Front yard minimum of 25 feet.
 - Side yard minimum of 7.5 feet on each side, except on a corner lot or a combined lot.
 - Rear yard minimum of 25 feet.
 - Corner lot minimum side yard of 25 feet on the street frontage and rear yard of 7.5 feet.
 - For combined lots, each side yard minimum shall be 10 per cent of total width.
- (6) *Floor area.* Minimum habitable building area of 1,000 square feet per dwelling unit.
- (7) *Pervious area.* Minimum of 25 per cent. Stormwater shall be retained onsite.
- (8) *Height.* ~~Maximum of 30 feet or 2 stories, whichever is less for structures with habitable dwelling space below the applicable base flood elevation. Maximum of 40 feet and 2 stories as mandated by Florida Building Code for structures where all habitable space exceeds applicable base flood elevation. No mechanical equipment shall be allowed on roof.~~

Additions to existing structures containing nonconforming habitable space below the applicable base flood elevation shall be permitted, provided the total height of the structure, including the addition, does not exceed 30 feet or two (2) stories, whichever is less.

Additions to existing structures that conform to the flood provisions of the Florida Building Code shall not exceed 40 feet in height or two (2) stories, whichever is less.

New construction shall not exceed 40 feet in height or two (2) stories, whichever is less.

Mechanical equipment shall not be permitted on the roof.

- (9) *Special regulations.* See sections governing floodplain management [article VIII], parking [article V], landscaping [article VI] and signs [article X].

Sec. 101-12. - R-2A Two dwelling unit residence district.

- (1) *Intent.* This district is intended to accommodate single unit detached and two unit dwellings. It conforms with the two-family residential category of the comprehensive plan.

- (2) *Permitted uses.*

One unit detached dwelling.

Two unit dwelling.

- (3) *Accessory structures and uses.* See section 101-26 for detailed regulations.

Dockside shelter and related uses.

Private boat dock or pier.

Private garage.

Swimming pool.

Tennis court.

Home occupation as defined in section 101-34.

Family day care home as defined in article II.

Utility use, minor.

Yard adornments.

- (4) *Lot area and width.*

Minimum lot area of 6,000 square feet.

Minimum lot width of 60 feet.

- (5) *Setbacks* (see also section 101-26).

Front yard minimum of 25 feet.

Side yard minimum of 7.5 feet on each side, except on 75 foot wide lots where the minimum shall be 8.5 feet, corner lots or on combined lots. In the case of attached two unit dwellings, one side setback shall be required for each dwelling.

Rear yard minimum of 20 feet.

Corner lots shall have minimum side yards of 25 feet on the street frontage and rear yards measuring the same distance as the required side yard.

For combined lots, the side yard minimum shall be 10 per cent of total width.

- (6) *Floor area.* Minimum habitable building area of 800 square feet per dwelling unit.
- (7) *Pervious area.* Minimum of 25 per cent. Stormwater shall be retained onsite.
- (8) *Height.* ~~Maximum of 30 feet or 2 stories, whichever is less, for structures with habitable dwelling space below the applicable base flood elevation. Maximum of 40 feet and two stories as mandated by Florida Building Code for structures where all habitable space exceeds applicable base flood elevation.~~

Additions to existing structures containing nonconforming habitable space below the applicable base flood elevation shall be permitted, provided the total height of the structure, including the addition, does not exceed 30 feet or two (2) stories, whichever is less.

Additions to existing structures that conform to the flood provisions of the Florida Building Code shall not exceed 40 feet in height or two (2) stories, whichever is less.

New construction shall not exceed 40 feet in height or two (2) stories, whichever is less.

In the event the application is made to elevate one-half of an existing duplex, the architectural review procedures of section 101-167(2)(i) shall be applicable, with particular emphasis on the resulting harmoniousness with the adjoining half-duplex. Notification of the architectural review hearing shall be made in writing to all property owners within three hundred (300) feet of the proposed construction and notice of the hearing shall be published in a newspaper of general circulation in Key Colony Beach no less than seven (7) days prior to the date of the hearing. ~~No mechanical equipment shall be allowed on roof.~~

Mechanical equipment shall not be permitted on the roof.

- (9) *Special regulations.* See sections governing floodplain management [article VIII], parking [article V], landscaping [article VI] and signs [article X].

Sec. 101-13. - R-2B Two dwelling unit residence district.

- (1) *Intent.* This district is intended to accommodate one unit detached and two-unit dwellings. It conforms with the two-family residential category of the comprehensive plan.
- (2) *Permitted uses.*
 - One unit detached dwelling.
 - Two unit dwelling.
- (3) *Accessory structures and uses.* See section 101-26 for detailed regulations.
 - Dockside shelter and related uses.
 - Private boat dock or pier.
 - Private garage.
 - Swimming pool.
 - Tennis court.
 - Home occupation as defined in section 101-34.
 - Family day care home as defined in article II.
 - Utility use, minor.
 - Yard adornments.
- (4) *Lot area and width.*
 - Minimum lot area of 5,500 square feet.

Minimum lot width of 40 feet.

See also section 101-192, nonconforming lots.

(5) *Setbacks* (see also section 101-26).

Front yard minimum of 20 feet, except 5 feet on Clara Boulevard and Coral Lane.

Side yard minimum of 5 feet on each side, except on corner lots or on combined lots. In the case of attached two-unit dwellings, one side setback shall be required for each dwelling. A minimum side-yard setback of 5 feet shall be allowed only for pools within R2B zoning in accordance with section 101-26.

Rear yard minimum of 15 feet, except 5 feet on Clara Boulevard and Coral Lane.

Corner lot minimum side yard of 15 feet on the street frontage and rear yard of 5 feet.

For combined lots, the side yard minimum shall be 10 per cent of total width.

(6) *Floor area.* Minimum habitable building area of 450 square feet per one story dwelling unit and minimum 800 square feet per two story dwelling unit.

(7) *Pervious area.* Minimum of 25 per cent. Stormwater shall be retained onsite.

(8) *Height.* ~~Maximum of 20 feet or 1 story, whichever is less, for structures with habitable dwelling space below the applicable base flood elevation. Maximum of 40 feet and 2 stories as mandated by Florida Building Code for structures where all habitable space exceeds applicable base flood elevation.~~

Additions to existing structures containing nonconforming habitable space below the applicable base flood elevation shall be permitted, provided the total height of the structure, including the addition, does not exceed 20 feet or one (1) story, whichever is less.

Additions to existing structures that conform to the flood provisions of the Florida Building Code shall not exceed 40 feet in height or two (2) stories, whichever is less.

New construction shall not exceed 40 feet in height or two (2) stories, whichever is less.

In the event that application is made to elevate only one-half of an existing duplex, the architectural review procedures of section 101-167(2)(i) shall be applicable, with a particular emphasis on the resulting harmoniousness with the adjoining half-duplex. Notification of the architectural review hearing shall be made in writing to all property owners within three hundred (300) feet of the proposed construction and notice of the hearing shall be published in a newspaper of general circulation in Key Colony Beach no less than seven (7) days prior to the date of the hearing. ~~No mechanical equipment shall be allowed on roof.~~

Mechanical equipment shall not be permitted on the roof.

(9) New construction or renovation of an existing structure to a higher elevation shall require a minimum of 2 parking spaces for standard automobiles with one being an under structure parking space.

(10) *Special regulations.* See sections governing floodplain management [article VIII], parking [article V], landscaping [article VI] and signs [article X].

Sec. 101-14. - R-2C Two dwelling unit residence district.

(1) *Intent.* This district is intended to accommodate single unit detached and two unit dwellings located on Lots 4-10, Marina Subdivision, and any platted resubdivision of the said lots. It conforms with the two-family residential category of the comprehensive plan.

(2) *Permitted uses.*

One unit detached dwelling.

Two unit dwelling.

- (3) *Accessory structures and uses.* See section 101-26 for detailed regulations.

Dockside shelter and related uses.
Private boat dock or pier.
Private garage.
Swimming pool.
Tennis court.
Home occupation as defined in section 101-34.
Family day care home as defined in article II.
Utility use, minor.
Yard adornments.

- (4) *Lot area and width.*

Minimum lot area of 6,500 square feet.
Minimum lot width of 65 feet.

- (5) *Setbacks.* (See also section 101-26.)

Front yard minimum of 25 feet.
Side yard minimum of 8.5 feet. In the case of attached two unit dwellings, one side setback shall be required for each dwelling.
Rear yard minimum of 20 feet.
For combined lots, the side yard minimum shall be 10 per cent of total width.
Commercial uses adjacent to the southerly boundary of Lot 10 would be 9 feet (see also B-1 regulations, section 101-17).

- (6) *Floor area.* Minimum habitable building area of 800 square feet per dwelling unit.

- (7) *Pervious area.* Minimum of 25 per cent. Stormwater shall be retained onsite.

- (8) *Height.* ~~Maximum of 30 feet or 2 stories, whichever is less, for structures with habitable dwelling space below the applicable base flood elevation. Maximum of 40 feet and two stories as mandated by Florida Building Code for structures where all habitable space exceeds applicable base flood elevation.~~

Additions to existing structures containing nonconforming habitable space below the applicable base flood elevation shall be permitted, provided the total height of the structure, including the addition, does not exceed 30 feet or two (2) stories, whichever is less.

Additions to existing structures that conform to the flood provisions of the Florida Building Code shall not exceed 40 feet in height or two (2) stories, whichever is less.

New construction shall not exceed 40 feet in height or two (2) stories, whichever is less.

In the event the application is made to elevate one-half of an existing duplex, the architectural review procedures of section 101-167(2)(i) shall be applicable, with particular emphasis on the resulting harmoniousness with the adjoining half-duplex. Notification of the architectural review hearing shall be made in writing to all property owners within three hundred (300) feet of the proposed construction and notice of the hearing shall be published [prior] to the date of the hearing. ~~No mechanical equipment shall be allowed on roof.~~

Mechanical equipment shall not be permitted on the roof.

(9) *Special regulations.*

Type of construction: Enclosure of the area under elevated buildings that comply with the flood resistant construction requirements of the Florida Building Code ~~Ground floor structures which comply with federal flood elevation requirements~~ shall be permitted, provided there is a two-car garage per dwelling unit and such garage may not thereafter be converted to any other use other than parking, storage, or building access, and the lot is no less than 79 feet wide. ~~Lots~~ Buildings on lots less than 79 feet in width must be supported on piles or columns and be stilt construction elevated at least 8 feet above grade to and provide for parking underneath the structure. The area used for parking underneath the structure may not subsequently be converted to any other use.

Parking: No boat trailers, utility trailers, recreational vehicles, campers or other than private passenger vehicles shall be parked outside of the footprint of the house. No parking of any vehicles shall be permitted on the right-of-way.

Landscaping: A landscape buffer shall be maintained at a height no less than 6 feet along the northerly side of Lot 4 and the road adjoining said lot.

See sections governing floodplain management [article VIII], parking [article V], landscaping [article VI] and signs [article X].

Sec. 101-15. - R-3 Multiunit residence district.

- (1) *Intent.* This district is intended to accommodate the full range of residential uses and related amenities. It conforms with the multifamily residential category of the comprehensive plan and therefore the density shall not exceed 8 units per acre.

(2) *Permitted uses.*

One unit detached dwelling.

Two unit dwelling.

Multiunit dwelling.

Beach club. (See definition of beach club for restrictions.)

Community residential home as defined in article II.

- (3) *Accessory structures and uses.* See section 101-26 for detailed regulations.

Dockside shelter and related uses.

Private boat dock or pier.

Private garage.

Swimming pool.

Tennis court.

Home occupation as defined in section 101-34;

Family day care home as defined in article II;

Utility use, minor.

Yard adornments.

- (4) *Lot area and width.*

Minimum lot area of 20,000 square feet.

Minimum lot width of 75 feet.

(5) *Density.* Not more than 8 units per acre.

(6) *Setbacks.*

Front yard minimum of 50 feet, except tennis courts and swimming pools which may be set back 25 feet.

Side yard minimum of 15 feet on each side, except 25 feet from street line on corner lots, and at least 10 per cent of total width for combined lots, up to a maximum of 30 feet on each side; no fence, gate, wall or hedge over 4 feet in height, or any accessory structure is permitted within the minimum required side yard.

Rear yard minimum of 20 feet.

Ocean: 100 feet from mean high water line.

(7) *Floor area.* Minimum habitable building area of 900 square feet per dwelling unit.

(8) *Building coverage.* Maximum of 33 per cent of lot area.

(9) *Pervious area.* Minimum of 20 per cent.

(10) *Height.* ~~Maximum of 3 stories, but in no case more than 35 feet, whichever is less, for structures with habitable dwelling space below the applicable base flood elevation. Maximum of 48 feet and three stories as mandated by Florida Building Code for structures where all habitable space exceeds applicable base flood elevation. No mechanical equipment shall be allowed on roof.~~

Additions to existing structures containing nonconforming habitable space below the applicable base flood elevation shall be permitted, provided the total height of the structure, including the addition, does not exceed 30 feet or two (2) stories, whichever is less.

Additions to existing structures that conform to the flood provisions of the Florida Building Code shall not exceed 40 feet in height or two (2) stories, whichever is less.

New construction shall not exceed 40 feet in height or two (2) stories, whichever is less.

Mechanical equipment shall not be permitted on the roof.

(11) *Site plan.* A site plan is required for all development other than one or two family dwellings; see article XII.

(12) *Special regulations.* See sections governing floodplain management [article VIII], parking [article V], landscaping [article VI] and signs [article X].

Sec. 101-16. - RH Resort hotel district.

(1) *Intent.* This district is intended to accommodate hotels, multiunit dwellings, beach clubs and restaurants with a waterfront, ocean resort orientation. The site plan review process shall further this goal. It conforms with the resort category of the comprehensive plan.

(2) *Permitted uses.*

Multiunit dwelling.

Hotel.

Beach club. (See definition of beach club for restrictions.)

Private membership club.

Restaurants and bars. (See article IV, supplemental regulations, section 101-42, for requirements for restaurants and bars.)

(3) *Accessory structures and uses.* See section 101-26 for additional regulations.

Club or bath house.

Dockside shelter and related uses.
Private boat dock or pier.
Private garage.
Utility shed.
Swimming pool.
Tennis court.
Home occupation as defined in section 101-34.
Utility use, minor.
Yard adornments.

(4) *Lot area and width.*

Minimum lot area of 20,000 square feet.
Minimum lot width of 75 feet.

(5) *Density.* Not more than 8 dwelling units per acre. In the case of a mixed-use project, this density shall be calculated by considering each hotel unit (suite or room) and each 1,200 square feet of business floor area as a dwelling unit.

(6) *Setbacks.*

Front yard minimum of 50 feet, except tennis courts and swimming pools which may be set back 25 feet.
Side yard minimum of 15 feet on each side, except 25 feet from street line on corner lots, and at least 10 per cent of total width for combined lots, up to a maximum of 30 feet on each side; no fence, gate, wall or hedge over 4 feet in height, or any accessory structure is permitted within the minimum required side yard.
Rear yard minimum of 20 feet.
Ocean: 100 feet from mean high water line.

(7) *Floor area.* Minimum habitable building area of 600 square feet per dwelling unit but not hotel units.

(8) *Building coverage.* Maximum of 33 per cent of lot area.

(9) *Open space.* A hotel project shall provide 1,000 square feet of recreational open space per hotel unit. The location, design and facilities shall be reviewed and approved as part of the site plan.

(10) *Pervious area.* Minimum of 20 per cent.

(11) *Height.* Maximum of 3 stories, but in no case more than 48 feet in height. No mechanical equipment shall be allowed on roof.

(12) *Site plan.* A site plan is required for all development; see article XII.

(13) *Special regulations.* See sections governing floodplain management [article VIII], parking [article V], landscaping [article VI] and signs [article X]. See also section 101-35 relative to any resort dwelling units to be sold as time shares.

Sec. 101-17. - B-1 Neighborhood business district.

(1) *Intent.* This district is intended to provide those retail, personal service and office uses needed to serve the city's residential neighborhoods plus marinas. This conforms with the commercial category of the comprehensive plan. The site plan review process shall further the goal of water-related uses and design in B-1 districts south of the bridge.

- (2) *Permitted uses.* Convenience retail sales including groceries, hardware, variety, gift, florist, video, newspaper, jewelry, wearing apparel, fabrics, books, bakery goods, and similar retail uses.

Self-service laundry, dry cleaning and laundry pick-up, and similar service establishments.

Personal service shops such as barber, beauty parlor, shoe repair and tailor.

Offices.

Restaurants and bars. (See article IV, supplemental regulations, section 101-42, for requirements for restaurants and bars.)

Marina, to include boats for rent or hire carrying no more than 35 passengers except as expressly approved in advance by the city commission for special occasions, but not boat repair uses. (See section 101-51 for parking requirements.)

Live-aboard boats in conformance with chapter 5, article II and the densities in (6) below.

Medical marijuana treatment facilities and dispensing facilities are prohibited.

- (3) *Conditional uses.*

Gasoline station: Conditioned on frontage along an arterial roadway (as so classified in the comprehensive plan).

- (4) *Accessory structures and uses.* All customary accessory structures and uses.

- (5) *Lot area and width.*

Minimum lot area of 10,000 square feet.

Minimum lot width of 90 feet.

- (6) *Density.* Live-aboard boats tied up to docks located within the B-1 district shall not exceed a density of 8 dwelling units per net acre with each such boat considered a dwelling unit.

- (7) *Setbacks.*

Sadowski Causeway: Minimum of 40 feet.

Other front yard: Minimum of 25 feet.

Other side yard: Minimum of 5 feet, except 25 feet on a corner lot or from a residentially zoned parcel and at least 10 per cent of total width for a combined lot, up to a maximum of 30 feet on each side.

Rear yard: Minimum of 15 feet.

- (8) *Lot coverage.* Maximum of 45 per cent.

- (9) *Pervious area.* Minimum of 20 per cent.

- (10) *Height.* Maximum of 2 stories, but in no case more than 48 feet in height as mandated by Florida Building Code. No mechanical equipment shall be allowed on roof.

- (11) *Site plan.* A site plan is required in accordance with article XII.

- (12) *Special regulations.* See sections governing floodplain management [article VIII], parking [article V], landscaping [article VI] and signs [article X].

Sec. 101-18. - PB Public buildings and grounds districts.

- (1) *Intent.* This district is intended to accommodate city administrative or maintenance buildings, city wastewater treatment plant and other governmental uses. It conforms with the Public category of the comprehensive plan.

- (2) *Permitted uses.*

Governmental administrative offices, including police station.

Governmental maintenance facilities.

Libraries.

Post offices.

Public parking including boat trailers.

Public parks.

Public restrooms.

Utility use, major.

(3) *Site design standards.*

Building setbacks:

Side setback: 20 feet, except on a combined lot where the side yard minimum shall be 10 per cent of total width, up to a maximum of 30 feet on each side.

Front setback: 25 feet.

Rear setback: 25 feet.

Pervious area minimum of 20 per cent.

Height maximum of 2 stories but in no case more than 48 feet in height as mandated by Florida Building Code. No mechanical equipment shall be allowed on roof.

(4) *Special regulations.* See sections on floodplain management [article VIII], parking [article V], and landscaping [article VI].

Sec. 101-19. - PR Public recreation district.

(1) *Intent.* This district is intended to accommodate the city's park, recreation and public golf course facilities. It conforms to the recreational category of the comprehensive plan.

(2) *Permitted uses.*

Public parks and related recreational facilities.

Public golf courses and related building facilities.

(3) *Site design standards.*

Building setback minimum of 25 feet.

Height maximum of 40 feet.

Sec. 101-20. - C Conservation district.

(1) *Intent.* This district is intended to preserve unique natural features, particularly wetlands, in their natural state. This conforms to the conservation category in the comprehensive plan.

(2) *Permitted uses.* Open space, including wetlands.

(3) *Accessory uses.* Environmentally sensitive walkways.

Secs. 101-21—101-24. - Reserved.

ATTACHMENT C

Land Development Code Article VIII (FLOODPLAIN MANAGEMENT)

ARTICLE VIII. FLOODPLAIN MANAGEMENT

ARTICLE VIII. FLOODPLAIN MANAGEMENT

Sec. 101-90. - Floodplain management; general.

- (1) *Title.* These regulations shall be known as the Floodplain Management Ordinance of the City of Key Colony Beach, hereinafter referred to as "this article."
- (2) *Scope.* The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to, the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; installation or replacement of tanks; installation of swimming pools; and any other development.
- (3) *Intent.* The purposes of this article and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 - (a) Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 - (b) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 - (c) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 - (d) Manage the alteration of flood hazard areas and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 - (e) Minimize damage to public and private facilities and utilities;
 - (f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 - (g) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 - (h) Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.
- (4) *Coordination with the Florida Building Code.* This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- (5) *Warning.* The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal

Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

- (6) *Disclaimer of Liability.* This article shall not create liability on the part of the City Commission of the City of Key Colony Beach or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

Sec. 101-91. - Applicability.

- (1) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (2) *Areas to which this article applies.* This article shall apply to all flood hazard areas within the City of Key Colony Beach, as established in Section 101-91(3) of this article.
- (3) *Basis for establishing flood hazard areas and Species Focus Areas and Real Estate Numbers.*
- (a) The Flood Insurance Study for Monroe County, Florida and Incorporated Areas, dated February 18, 2005, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at City Hall, 600 West Ocean Drive, Key Colony Beach, FL 33051.
 - (b) The Species Focus Area Maps (SFAMs) and the real estate numbers of parcels (RE List) that are within the SFAMs identified by the U.S. Fish and Wildlife Service in accordance with the Biological Opinion, dated April 30, 2010, as amended, for the City of Key Colony Beach, and any subsequent revisions there to, are hereby declared to be a part of this article. The SFAMs and RE list are on file at the City Hall.
- (4) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section 101-95 of this article the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
- (a) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
 - (b) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
- (5) *Other laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.
- (6) *Abrogation and greater restrictions.* This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.
- (7) *Interpretation.* In the interpretation and application of this article, all provisions shall be:
- (a) Considered as minimum requirements;
 - (b) Liberally construed in favor of the governing body; and
 - (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 101-92. Duties and powers of the floodplain administrator.

- (1) *Designation.* The Building Official is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- (2) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to Section 101-97 of this article.
- (3) *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
 - (a) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - (b) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
 - (c) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
 - (d) Provide available flood elevation and flood hazard information;
 - (e) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 - (f) Review applications to determine whether proposed development will be reasonably safe from flooding;
 - (g) Issue building permits for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
 - (h) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.
- (4) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; ~~the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" and for proposed work to repair~~

~~damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage"; and~~

- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this article is required.
- (5) *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 101-97 of this article.
- (6) *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.
- (7) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 101-96 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- (8) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:
 - (a) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 101-92(4) of this article;
 - (b) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations or flood hazard area boundaries; such submissions shall be made within 6 months of such data becoming available;
 - (c) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code to determine that such certifications and documentations are complete;
 - (d) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Key Colony Beach are modified; and
 - (e) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- (9) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood-resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City Hall, 600 West Ocean Drive, Key Colony Beach, FL 33051.

Sec. 101-93. - Permits.

- (1) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt

from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

- (2) *Building permits.* Building permits shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a building permit is required in addition to a building permit.
- (3) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), building permits shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:
 - (a) Railroads and ancillary facilities associated with the railroad.
 - (b) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
 - (c) Temporary buildings or sheds used exclusively for construction purposes.
 - (d) Mobile or modular structures used as temporary offices.
 - (e) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
 - (f) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - (g) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - (h) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 - (i) Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- (4) *Application for a permit or approval.* To obtain a building permit the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
 - (a) Identify and describe the development to be covered by the permit or approval.
 - (b) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 - (c) Indicate the use and occupancy for which the proposed development is intended.
 - (d) Be accompanied by a site plan or construction documents as specified in Section 101-95 of this article.
 - (e) State the valuation of the proposed work.
 - (f) Be signed by the applicant or the applicant's authorized agent.
 - (g) Give such other data and information as required by the Floodplain Administrator.

- (h) For projects proposing to enclose areas under elevated buildings, include signed Declaration of Land Restriction (Nonconversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
- (5) *Validity of permit or approval.* The issuance of a building permit pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- (6) *Expiration.* A building permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
- (7) *Suspension or revocation.* The Floodplain Administrator is authorized to suspend or revoke a building permit if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this community.
- (8) *Other permits required.* Floodplain building permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 - (a) The South Florida Water Management District; section 373.036, F.S.
 - (b) Florida Department of Economic Opportunity, section 380.05, F.S., Areas of Critical State Concern, and Chapter 553, Part IV, F.S., Florida Building Code.
 - (c) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.(3).
 - (d) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 - (e) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 - (f) Federal permits and approvals.

Sec. 101-94. - Protection of endangered species.

- (1) *Applications with Determination of Unsuitable Habitat.* Upon receipt of a floodplain building permit application for a property that is determined to be on the SFAMs and the RE list as containing unsuitable habitat, the Floodplain Administrator shall place a letter in the floodplain building permit file that indicates:
 - (a) The name of the city official that made the determination;
 - (b) The date of the determination; and
 - (c) The date of the SFAM and RE list used to make the determination.Once the determination has been made, the City of Key Colony Beach may take action on the floodplain building permit application without further concern for Federally threatened and endangered species and their habitat.
- (2) *Species Assessment Guides and Acceptance Form.* The Species Assessment Guide for the City of Key Colony Beach provided by the U.S. Fish and Service (Service), dated November 2011, and any subsequent revisions there to, is hereby declared to be a part of this article. The Species Assessment Guide is on file at the City Hall.
 - (a) The City of Key Colony Beach shall use the Species Assessment Guide to determine whether the applicant for a floodplain building permit application must seek technical assistance by the Service. For

applications that require such assistance, the City of Key Colony Beach shall provide copies of the applications to the Service for review on a weekly basis.

- (b) Based on the Service's technical assistance, the City of Key Colony Beach shall condition the floodplain building permit to incorporate the Service's recommendations to avoid and/or to minimize possible impacts on Federally listed threatened and endangered species and their habitat.
 - (c) The City shall maintain an Acceptance Form of the Service's recommendations in the permit file. The Acceptance Form shall be signed by the permit applicant and the building official.
 - (d) The City shall use the Species Assessment Guide (SAG) for properties that exist within the boundaries of a completed Habitat Conservation Plan and which are subject to the SFAMs. The Real Estate folio number list which accompanies the SFAMs will be utilized in combination to determine if a building permit application must be provided to the Service for technical assistance in order to meet the full requirements of the Endangered and Threatened sections of this section.
- (3) *Avoiding Impacts on Federally Listed Species.* All proposed development shall meet the conditions attached to floodplain building permits in accordance with Section 101-94(b) to avoid possible impacts to Federally threatened and endangered species and their habitat.

Sec. 101-95. - Site plans and construction documents.

- (1) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:
- (a) Delineation of flood hazard areas, flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - (b) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 - (c) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 - (d) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 - (e) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

- (2) *Additional analyses and certifications.* For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis signed and sealed by a Florida licenses engineer that demonstrates that the proposed alteration will not increase the potential for flood damage shall be submitted with the site plan and construction documents.
- (3) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 101-96. - Inspections.

- (1) *General.* Development for which a building permit is required shall be subject to inspection.
- (2) *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued building permits.
- (3) *Buildings, structures and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued building permits.
- (4) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.
- (5) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 101-96(4) of this article.

(6) *Manufactured homes.* The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

Sec. 101-97. - Variances and appeals.

- (1) *General; recommendations.* The Planning and Zoning Committee Commission shall hear requests for appeals and requests for variances from the strict application of this article and the flood-resistant construction requirements of the Florida Building Code. Based on the provisions of this section, the Planning and Zoning Committee shall make recommendations to the City Commission. Pursuant to section 553.73(5), F.S., the City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code.
- (2) *Appeals.* The City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this article. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- (3) *Limitations on authority to grant variances.* The City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 101-97(6) of this article, the conditions of issuance set forth in Section 101-97(7) of this article, and the comments and recommendations of the Floodplain Administrator and the Building Official. The City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.
- (4) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

- (5) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- (6) *Considerations for issuance of variances.* In reviewing requests for variances, the City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:
 - (a) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - (d) The importance of the services provided by the proposed development to the community;
 - (e) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - (f) The compatibility of the proposed development with existing and anticipated development;
 - (g) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - (h) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - (i) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- (7) *Conditions for issuance of variances.* Variances shall be issued only upon:
 - (a) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;
 - (b) Determination by the City Commission that:
 - (i) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - (ii) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - (iii) The variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (c) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
 - (d) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up

to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 101-98. - Violations.

- (1) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article or the conditions established by grants of variance, shall be deemed a violation of this article and punishable as a non-criminal violation. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
- (2) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as are necessary to prevent or remedy any violation.
- (3) *Unlawful continuance; fine.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be fined not more than \$500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Secs. 101-99, 101-100. - Reserved.

Sec. 101-101. - Buildings and structures.

(a) Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 101-93(3) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 101-106 of this article.

(b) Florida Building Code, amendments. Amendments to the Florida Building Code adopted by the City are contained in the Code of Ordinance of the City of Key Colony Beach, Chapter 6 Buildings.

Sec. 101-102. - Subdivisions.

- (1) *Minimum requirements.* Subdivision proposals shall be reviewed to determine that:
 - (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (2) *Subdivision plats.* Where any portion of proposed subdivisions lies within a flood hazard area, the following shall be required:
 - (a) Delineation of flood hazard areas and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and

- (b) Compliance with the site improvement and utilities requirements of Section 101-103 of this article.

Sec. 101-103. - Site improvements, utilities and limitations.

- (1) *Minimum requirements.* All proposed new development shall be reviewed to determine that:
- (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
- (2) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.
- (3) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.(3) and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- (4) *Limitations on placement of fill.* Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- (5) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 101-95(2) of this article demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 101-106(6)(c) of this article.

Sec. 101-104. - Manufactured homes and recreational vehicles.

~~Installation of manufactured homes shall not be permitted.~~

- (1)** Recreational vehicles are permitted to be stored but not occupied.

(2) *Manufactured homes.* Manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.

(a) New manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

(i) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this article.

(ii) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this article.

(b) New manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation

system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(c) Manufactured homes that are placed, replaced, or substantially improved, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone)*.

(d) Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential Section R322.2 or R322.3* for such enclosed areas, as applicable to the flood hazard area.

(e) Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential Section R322*, as applicable to the flood hazard area.

Sec. 101-105. - Tanks.

- (1) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
- (2) *Above ground tanks, not elevated.* Above ground tanks that do not meet the elevation requirements of Section 101-104(3) of this article shall:
 - (a) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - (b) Not be permitted in coastal high hazard areas (Zone V).
- (3) *Above ground tanks, elevated.* Above ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
- (4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:
 - (a) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 101-106. - Other development.

- (1) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:
 - (a) Be located and constructed to minimize flood damage;
 - (b) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - (c) Be constructed of flood damage-resistant materials; and

- (d) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
- (2) *Detached accessory structures in coastal high hazard areas (Zone V).* In coastal high hazard areas, detached garages are not permitted. Detached accessory structures used only for storage that are 100 square feet or less in area are permitted below the base flood elevation provided the structures comply with Section 101-106(1) of this article.
- (3) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - (a) Structurally independent of the foundation system of the building or structure;
 - (b) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - (c) Have a maximum slab thickness of not more than four (4) inches.
- (4) *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
 - (a) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - (b) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
 - (c) A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
 - (d) A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.
- (5) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include, but are not limited to:
 - (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

- (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - (c) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.(3), as filled systems or mound systems.
- (6) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:
 - (a) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - (b) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
 - (c) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

ATTACHMENT D

Code of Ordinances
Chapter 6 (BUILDINGS)
Article I (BUILDING CODE)

Chapter 6 – BUILDINGS

ARTICLE I. – BUILDING CODE

Sec. 6-1. - Purpose.

The purpose of this article is to compile all of the regulations pertaining to the construction of buildings, applications for building permits, and the inspection of construction within the city.

Sec. 6-2. - Codes adopted.

(a) Adopted.

(1) Standard codes.

- a. The Florida Building Codes;
- b. ICC (International Code Council);
- c. NFPA (National Fire Protection Association);
- d. NEC (National Electric Code);
- e. ASHRAE (American Society of Heating, Refrigeration and Air Conditioning Engineers);
- ~~f. IAMPO (International Association of Mechanical and Plumbing Officials);~~
- f. g. City, county, state and federal laws, regulations and codes (FEMA, ADA, etc.);

(2) The latest editions, revisions and amendments of these codes shall be adopted and enforced as the building codes for the city.

(b) *Most restrictive applies.* In the case of differing requirements between standard codes cited above, requirements imposed by state statute, requirements imposed by federal laws, and the city provisions cited elsewhere in the City Code, the most restrictive code shall apply.

Sec. 6-3. - Additional construction specifications.

(1) *Wind and flood loads.*

- (a) Buildings and structures and every part thereof shall be designed to withstand the forces of wind pressure assumed in any direction. Allowance shall not be made for the effect of shielding by other structures.
- (b) A registered professional engineer must state and certify, including his seal impression on the plans, and by letter to the city, that the plans reflect that:
 1. The pilings or columns used as structural supports are designed and anchored so as to withstand all applied loads ~~of the base flood flow~~ **required by the Florida Building Code.**
 2. All buildings or structures are designed to be securely anchored on pilings or columns so as to withstand velocity water and hurricane wave wash.

(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.
- (b) Review by building official:
 - 1. The building official will review all plans for new construction to ensure architectural style and building materials are harmonious in character and appearance with existing buildings in the neighborhood and are appropriate to their surroundings. If the opinion of the building official there are issues regarding any of these matters, it shall be referred to the planning and zoning committee.
 - 2. Harmony shall be achieved through the use of similar building massing, scale, materials and colors or other architectural features. Design features such as, but not limited to, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation or varied rooflines shall be incorporated into building designs to provide aesthetically satisfactory views from public rights of way as determined by the Key Colony Beach Planning and Zoning Committee through section 101-28 of the land development regulations.
 - 3. Designs for new buildings, additions or alterations will not be permitted which will adversely affect neighboring properties in appearance or value resulting from design factors or construction techniques in accordance with subsection 101-167(2)(i)1. or as amended.
- (3) *Foundation pilings.*
 - (a) Must be no more than seventeen (17) feet, zero (0) inches on center either way.
 - (b) Must be physically connected to pile caps with adequate lapping of piling strands to pile cap rebar.
- (4) *Pile caps.*
 - (a) Minimum dimensions two (2) feet zero (0) inches x two (2) feet zero (0) inches x one (1) foot, six (6) inches deep with reinforcing steel.
- (5) *Grade beams.*
 - (a) Minimum dimensions twelve (12) inches wide x sixteen (16) inches deep and must connect all perimeter pilings of proposed structures.
 - (b) Must be physically connected to slab and columns with doweled and spliced rebar.
- (6) *Columns.*
 - (a) Minimum dimensions eight (8) inches x twelve (12) inches. No more than eighteen (18) feet zero (0) inches on center and within two (2) feet zero (0) inches of piling with reinforcing steel to be approved by the building official and city engineer.
 - (b) Must be physically connected to tie beams with doweled and spliced rebar.
- (7) *Tie beams.* Minimum dimensions eight (8) inches wide x sixteen (16) inches deep with reinforcing steel to be approved by the building official and city engineer.
- (8) *Hurricane straps.*
 - (a) Must be in place prior to tie beam concrete pour.
 - (b) Double hurricane straps (one (1) each side of roof member), to be designed for double roof member uplift.
 - (c) Hurricane straps to be wrapped over top chord of each roof member embedded to four (4) inches depth.

- (d) All hurricane straps embedded into concrete must have hooked ends.
- (9) *Hurricane shutters.* Hurricane shutters will be required for all new construction and/or existing structures undergoing remodeling.
 - (a) SBCCI Standard-SSTD 12-97, "Test Standard for Determining Impact Resistance from Wind-borne Debris," is hereby adopted as the test standard for hurricane shutters. Product approval by the products control section of the Dade County Building Codes Compliance Office shall constitute an acceptable alternative to the aforementioned standard.
 - (b) All shutters and prescribed fasteners shall be designed to withstand the wind loads generated by a minimum peak wind speed of one hundred fifty (150) mph (i.e., in three (3) second gusts) pursuant to the latest revision of ASCE Standard 7. This minimum peak wind speed is equivalent to a minimum fastest mile wind speed of approximately one hundred thirty (130) mph and a minimum sustained wind speed of approximately one hundred twenty-two (122) mph.
 - (c) All shutters and prescribed fasteners shall be designed (when installed) to withstand wind-borne debris impact loads (i.e., "a large missile load") pursuant to SBCCI SSTD 12-97. Any shutter that has received product approval by the product control section of the Dade County Building Compliance Office will be accepted insofar as the debris impact requirements are concerned.
 - (d) Shutters shall be required for all glass areas and shall be specified on the drawing submitted for permit.
 - (e) All structures shall have engineer approved fastening devices which must be specified on the plans and permanently installed (if applicable) on the structure during construction. These fasteners will facilitate the installation and removal of the panels.
 - (f) Prior to the issuance of a certificate of occupancy (and as part of the final building inspection), physical verification of the installation of the fasteners together with the availability of the shutters will be required.
 - (g) Shutters shall be erected in accordance with manufacturers' shop drawings, as approved by the engineer of record. Any shutter system specified by the engineer must meet the design requirements specified herein.
- (10) *Trusses.*
 - (a) Truss drawings to be approved by job engineer of record prior to installation.
 - (b) All trusses to receive interior lateral supports as per truss manufacturer's engineer and job engineer of record approvals.
- (11) *Roof sheathing.*
 - (a) New three-quarter (¾) inch CDX plywood minimum.
 - (b) Minimum fastening to roof members will be hot dipped galvanized common nails to SBCCI 1705.1.
- (12) *Roof coverings.*
 - (a) First ply minimum #30 (ASTM) felt.
 - (b) Fiberglass shingles will require six (6) nails per shingle.
 - (c) Galvanized nails to go through sheathing sheathing. No staples permitted.
 - (d) All roof tiles to be screwed with two (2) #10 galvanized screws minimum per tile whether mortar is used or not.
- (13) *Exterior walls, soffits and fascia.*
 - (a) New one-half (½) inch CDX plywood minimum is required.
 - (b) Particle board, wafer board, greenboard and similar materials are prohibited from use.

- (14) *Concrete.* All concrete shall be minimum three thousand (3,000) psi.
- (15) *Framing specifications.*
- (a) All exterior framing to be minimum 2 x 6 pressure treated members sixteen (16) inches on center.
 - (b) Exterior framed walls must have subsheathing of at least one-half (½) inch thick CDX plywood with structural siding such as T-111 or plaster and metal lath. Nailing to be same as roof.
 - (c) Exterior framing must be tied in to beams every thirty-two (32) inches with hurricane straps to run up the 2 x 6's at least sixteen (16) inches.
 - (d) Wood floors shall be two (2) layers three-fourths (¾) inch T&G plywood glued and affixed by screws.
- (16) *Miscellaneous structural specifications.*
- (a) Minimum reinforcing bar lap thirty-six (36) times diameter.
 - (b) All reinforcing bar laps of beam rebar and main structural floor rebar to be lapped over beam.
 - (c) All rebar to be free of rust and scale.
- (17) *Refuse storage and disposal.* A dumpster with a minimum capacity of two (2) cubic yards must be on hand for storage of all refuse beginning on the day construction starts. Refuse must be hauled away as soon as the dumpsters are full but at least weekly. Burning of refuse is not permitted. Adjacent lots must be kept clean and free of refuse at all times. Wire cages are prohibited.
- (18) *Water meters.* Water meters must be installed so that the top of the water box is level with the finish grade of the pertinent lot.
- (19) *Toilets.* Adequate portable toilet facilities must be provided during the construction period or a substitute therefore must be approved by the building official.
- (20) *Water conservation.* The following water conservation requirements (or the latest Standard Plumbing Code, whichever is more restrictive) shall apply to any new building. They shall apply to an addition to or a renovation of an existing building only if the cost of the addition or renovation exceeds twenty-five (25) per cent of the value of the existing building and compliance with the requirements of this section will not require substantial modification of the existing plumbing system.
- (a) *Water closet:* No tank-type water closet shall have a tank capacity in excess of three and one-half (3½) gallons of water; or
 - (b) *Shower head:* No shower head or faucet shall allow a flow of more than an average of three (3) gallons of water per minute at sixty (60) pounds of pressure per square inch;
 - (c) *Exception:* In the case of additions or renovations authorized above, the installation of tank-type water closets having a tank capacity in excess of three and one-half (3½) gallons shall be permitted if such water closets are equipped with a device which reduces average water consumption to no more than three and one-half (3½) gallons per flush. In addition, the city commission may allow the use of standard flush toilets if, in the opinion of the commission, the configuration of the building drainage system requires a quantity of water greater than three and one-half (3½) gallons to adequately flush the system.
- (21) *Sewer laterals.* Upon construction of a new residence or redevelopment of an existing residence, the city will inspect the existing lateral for structural soundness. The city may delay issuance of the building permit to allow the city to repair or replace the lateral.
- (22) *Sewer pipe inspection.* If a sewer pipe is under an area to be improved, the pipe must first be inspected.

Sec. 6-4. - Building official.

- (1) *Appointment.* There shall be a building official who shall be appointed by the city commission. The building official may designate a building inspector to be approved by the city commission. The appointment of the

building official and building inspector shall be subject to the provisions of **the Florida Building Code** ~~section 102.1 (Right of entry) and section 102.2 (Stop work orders) of the standard building code.~~

- (2) *Powers and duties.* The general powers and duties of the building official shall include, but not be limited to the following:
- (a) Review plans and specifications for proposed construction and improvements, for compliance with existing codes.
 - (b) Conduct preliminary plan reviews with owner/builders and contractors, as required.
 - (c) Approve and issue building permits for construction meeting building code requirements and city ordinances.
 - (d) Make field inspections and issue inspection reports to contractor.
 - (e) Issue stop orders on own recognizance.
 - (f) Enforce the land development code (in cooperation with the planning and zoning committee) including the review and issuance of sign permits.
 - (g) Enforce article ii of this chapter, the dangerous buildings code.
 - (h) Perform the duties of code enforcement officer as described in chapter 1, section 1-10 of the City Code.
 - (i) Issue certificates of occupancy.
 - (j) Conduct an inspection of the premises where any business is to be conducted prior to issuance of occupational license and periodically thereafter.
 - (k) Administer the public right-of-way permit process contained in this chapter.
 - (l) Supervise city public works employees.
 - (m) Utilize the services of the consulting city engineer when required to administer this chapter; retain the services of other technical experts when authorized by the city commission.
 - (n) Make recommendations and perform inspections required for city projects.
 - (o) Obtain bids for city projects.
 - (p) Follow-up and make recommendations on citizen complaints on roads, drainage, etc.
 - (q) Recommend changes to city ordinances pursuant to construction, permitting or code violations, when applicable.
 - (r) Assist city sewer utility board when requested.
 - (s) Supervise outside contractors employed by the city.
 - (t) Attend city meetings as required.
 - (u) Attend county meetings pertaining to building code issues when so designated by city commission.
 - (v) Perform such other duties as are assigned by the city commission.
- (3) *Compensation.*
- (a) Building official: The full-time building official shall be compensated on a salaried basis, including benefits as provided for in the appropriate city resolutions.
 - (b) Temporary building inspector: Any person hired to temporarily perform the duties of the building official shall be compensated in accordance with a schedule set forth by the city commission.

Sec. 6-5. - Consulting city engineer.

A consulting city engineer shall be appointed by the city commission. The consulting city engineer must be a certified professional engineer of the State of Florida who is qualified to review building plans and construction to determine that ~~the Florida Building Code standard building codes~~ and all construction requirements of the city are followed. This person shall perform other assignments as requested by the city administrator or city commission. Any time the services of the consulting city engineer are used under this chapter, there shall be an additional fee to the applicant over and above other fees.

Sec. 6-6. - Building permit.

- (1) *When required.* No building permit is required for cosmetic maintenance (painting, roof coating, plastering, stucco) on single-family or duplex residential structures.

A building permit must be obtained for:

- (a) Any new use ~~as described in section 401.1, standard building code~~, or a change of an existing use as described in ~~section 401.1, standard building code~~ Florida Building Code, on any plot.
- (b) Construction, alteration or major structural repair of any buildings, canals, swimming pools, tennis courts, walls, seawalls, docking facilities, driveways, barbecue pits, new roofs, roof repairs and similar projects; what constitutes major structural repair shall be determined by the building official. In any case, a project with an estimated cost exceeding one thousand dollars (\$1,000.00), shall require a permit, again, the cost to be determined by the building official.
- (c) A permit for fence construction shall be obtained for any fence constructed in the city.
- (d) Any electrical, plumbing or mechanical addition or alteration.
- (e) Capping a sewer lateral upon demolition of an existing structure.

Anyone initiating such work prior to obtaining a building permit shall pay a penalty fee as specified in the fee schedule.

- (2) *Who may apply.*

- (a) In general: Application for a permit required by this article must be submitted by a person certified or licensed by either the State of Florida or Monroe County to do the work for which the permit is desired, except that the owner of the property who is building or improving a single-family dwelling for the use of such owner may submit such application. Also the owner who is building or improving a commercial building may submit an application if the cost is under twenty-five thousand dollars (\$25,000.00) and is for occupancy or use by such owner.
- (b) Prospective buyer: If an application for a building permit is made by a prospective buyer, a copy of the "contract to buy," signed by the current property owner, must be presented with the building permit application.
- (c) Owner/builder: An individual may alter or repair his own residence or construct a new residence in agreement with F.S. §§ 489.103(7), (9), and the City of Key Colony Beach Owner/Builder Requirements. All work must conform to codes adopted by the city and pass all inspections. An owner/builder taking out such a permit shall be restricted to one (1) permit in five (5) years, for the construction of a new single-family dwelling for his or her use and must be present on the job site whenever work is in progress and during an inspection. Other than common laborers*, anyone assisting the owner/builder on construction activity must either be licensed by the state or certified by Monroe County. The building official is authorized to have an owner/builder sign an affidavit incorporating more detailed city owner/builder requirements. For the purposes of this provision, the term "individual" shall include members of the applicant's immediate family, including spouse and minor children, and also any corporations owned in full or in part by the applicant.

*A common laborer is defined as a person who works under the direct supervision of the owner/builder in performing nontechnical tasks of a routine nature.

- (3) *Application procedures.* An application for a building permit shall be made in writing at the office of the city clerk. The application shall give a legal description of the property where the construction is proposed. The legal description shall include the lot and block number and subdivision involved. Said application must be accompanied by three (3) complete sets of plans.
- (4) *Application contents.* The drawings shall show the following in detail:
- (a) A lot survey by a registered surveyor to establish lot lines is required before construction of a seawall, new building or external addition thereto or boundary fence may be started. Stakes outlining the property shall be placed and so identified on the survey and shall be maintained during the course of construction.
 - (b) Location of all buildings showing:
 - 1. Front, side and rear elevations; height from the average crown of the road and from mean sea level.
 - 2. The distance of all setbacks from property lines as determined from a recent survey.
 - 3. Driveways with finished elevations.
 - (c) For new or substantial improvement of any residential structure, the elevation of the **bottom of the lowest horizontal structural member** base of the lowest supporting member of the lowest habitable floor and the elevation of the **finished lowest finished habitable floor** (in relation to **the datum on the Flood Insurance Rate Map mean sea level or NGVD**). See the **Florida Building Code and** land development code for this and other flood protection requirements.
 - (d) For new or substantial improvement of any commercial or other nonresidential structure, the elevation of the **bottom of the lowest horizontal structural member** base of the lowest supporting member of the lowest habitable floor and the elevation of the **finished lowest finished habitable floor** (in relation to **the datum on the Flood Insurance Rate Map mean sea level or NGVD**).
 - (e) Description of type of breakaway **walls and flood openings in walls below the elevated building, if any, or vented walls** planned, if any, below the base flood elevation and designate on the plans the use to be made of each portion of the enclosed area. Plans for **walls of enclosed areas breakaway or vented walls** must be submitted to the building official for approval.
 - (f) Location, height and nature of all lot perimeter walls and fences shall be shown on the plan. See article VI of the land development code.
 - (g) In R-3, RH and B-1 zoning districts:
 - 1. Locations and dimensions of all driveways on and giving access to the site.
 - 2. Location and dimension of all areas to be used for automobile parking, with parking spaces indicated in accordance with article V of the land development code.
 - 3. The number of residential dwelling units and density per net acre.
 - 4. The number, placement and design requirements of fire well(s), also known as a "dry hydrant" as described by the National Fire Protection Association, Inc., in NFPA "~~Standard on Water Supplies for Suburban and Rural Fire Fighting 1231~~ published 1984 **1142, published in 2022**" as approved by the Monroe County Fire Marshal.
 - (h) A registered professional engineer must state and certify, including his seal impression on the plans and by letter to the city, that the plans reflect that:
 - 1. The pilings or columns used as structural supports are designed and anchored so as to withstand all applied loads **of the base flood flow required by the Florida Building Code.**
 - 2. All buildings or structures are designed to be securely anchored on pilings or columns so as to withstand velocity water and hurricane wave wash.

3. The building or structure and every part thereof are designed to structurally remain standing, without allowance for the effect of shielding by other structures, as required by the Florida Building Code Standard Building Code, SBBCI.
4. On all new construction of multifamily residential and commercial buildings, the building official may accept a sworn affidavit from a registered architect, ~~or~~ engineer, or private provider, stating that the plans submitted conform to the laws as to egress, and Chapter ~~11~~ 10, Standard Building Code-Florida Building Code, "Means of egress requirements", type of construction and general arrangement, and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the ~~Standard Building Code~~ Florida Building Code as to strength, stresses, strains, loads and stability.
 - (i) A registered Florida engineer responsible for the final grading must state and certify, including their seal impression on the plans, and by letter to the city, that the plans reflect that lot drainage planned is such that water will be retained on site and will otherwise conform to the drainage provisions of the land development code, including the level of service standard contained in section 101-151(4). No certificate of occupancy will be issued until this requirement is satisfied. A drainage and grading plan showing proposed finished grades must be submitted for building official approval.
 - (j) Plans and elevations showing structural design and diagrams for electrical, mechanical, plumbing and roofing installations.
 - (k) Location, size, type and design of all signs to be in accordance with article X of the land development code.
 - (l) A landscaping plan in accordance with article VI of the land development code.
 - (m) The names of the plumbing, mechanical, electrical and roofing subcontractors.
 - (n) A statement as to use of said property and structure.
 - (o) Such other information as the building official may require.
- (5) *Utility adequacy and concurrency.* No building permit for construction of a single family dwelling shall be issued until affidavits are provided from the Florida Keys Aqueduct Authority showing that there will be an adequate potable water supply and from the Florida Keys Electric Cooperative showing that there will be an adequate electricity supply for the proposed development. An applicant for a multifamily residential, commercial or other project subject to the concurrency provisions of article XI of the land development code, shall show evidence of an approved concurrency review plus an affidavit from the Florida Keys Electric Cooperative.
- (6) *Review procedures.*
 - (a) Building official: The building official shall approve the plans for renovation to multifamily dwellings and commercial buildings as well as plans for new construction, alterations and additions to conforming uses in the R-1A, R-1B, R-2A and R-2B zoning districts if said plans meet all of the requirements of this chapter, the codes adopted hereby, the land development code, and all other pertinent ordinances, rules and regulations.
 - (b) Planning and zoning committee: If requested by the building official, the planning and zoning committee shall review; (i) building plans for all new construction or additions to existing structures; (ii) building plans for nonconforming uses in any zoning district; (iii) all deviations from the land development code and impact statement ordinance regulations; and (iv) any engineered deviations from this chapter. The planning and zoning committee shall report its findings and recommendations in writing to the city commission.
 - (c) City engineer: The city's consulting engineer will review those plans for new construction of multifamily and commercial buildings. The engineer shall also review any request for engineered deviations from this chapter or any unique design issue on which the building official needs technical assistance. The engineer will inform the building official in writing as to his findings.

- (d) City commission: The city commission, after reviewing the building plans, the reports from the planning and zoning committee, the city consulting engineer and the city building official shall approve or disapprove the issuance of a building permit for the construction or addition to a multifamily dwelling or commercial building by a roll call vote at a city commission meeting.

(7) *Permitting fees.*

- (a) Fee schedule: When a permit application has been approved as herein provided, the applicant shall be issued a permit by the building official to perform the construction or alteration as specified in the plans upon payment to the city of the permitting fee. Cost estimates will be determined by the periodic construction cost reports of the Means Cost Data Manuals. Building permit fees shall be specified in a fee schedule adopted by the city commission.

- (b) Additional fees: The building official shall advise the city clerk promptly when additional inspection fees are to be charged the builder for:

Work not ready for inspection when called.

Condemned work resulting from faulty construction.

Work not in accordance with plan.

Builder's request for on-job advice.

A charge for excessive time spent at the office with builder or his representative.

Engineered deviations from this chapter, as approved by the city engineer.

- (c) Fire safety inspection fees.

- 1. Plan review: The city fee schedule shall also include plan review fees to cover the costs of reviewing construction and alteration plans for smoke detectors, firewalls, emergency lighting, fire extinguishing systems, exit signs, means of egress distances, emergency egress windows, fire-rated self-closing doors, etc. (Life Safety 101), and on-site inspections of same, plus the continued certification and education of the building official as the fire safety inspector as required by Florida Statute.

- 2. Annual inspection of existing structures: The fee schedule shall also include the fee for the annual fire inspection of public assemblies and public areas (means of egress, fire, alarm and suppression systems, smoke detectors, etc.). The written schedule for these periodic inspections shall be as follows:

- a. Sprinkler systems:

Wet pipe system:

Visual inspection—monthly.

Alarm and water flow tests—yearly.

Dry pipe system:

Visual inspection—weekly.

Alarm test—monthly.

Trip test—yearly.

Deluge and preaction:

Visual—monthly.

Main drain—yearly.

- b. Standpipe systems:

Wet—Six (6) months.

Dry—Annually and hydrostatically tested every five (5) years.

- c. Fire and smoke alarm systems—Six (6) months.

- d. Smoke detectors: Hotel, motel, private residential rentals and offices—yearly.
- e. Extinguishing systems:

Portable fire extinguishers—yearly and hydrostatically every five (5) years.

Fixed systems (CO₂, Halogenatal agents, wet chemical)—yearly.

- f. Fire wells—yearly.
- g. Records of the above inspections shall be maintained by the owner for five (5) years.

(8) *Cleanup bond.*

- (a) *Amount.* At the time of obtaining a building permit, the applicant will place with the city a good and sufficient bank check, or cash money, at the option of the city clerk, in the amount of three (3) per cent of the cost of construction or alteration, provided however that said bank check or cash money will not exceed five hundred dollars (\$500.00) for the construction or alteration of a single-family or duplex dwelling, one thousand dollars (\$1,000.00) for the construction or alteration of up to and including nine (9) units, and two thousand dollars (\$2,000.00) for the construction or alteration of a multifamily dwelling over nine (9) units, said bond to insure that such person will clean up and carry away all materials, trash and debris left or placed on the premises for which the permit is issued, or permitted on any premises adjoining thereto, as a result of said construction or alteration.

- (b) *Cleanup bond refund.* After the cleanup and removal of all of said material, trash and debris has been performed to the satisfaction of the building official and the final inspection has been completed, written approval of the same will be given by the building official to the city clerk, said bank check or cash money will be refunded to the person placing it with the city. In the event that any such person fails to clean up and carry away all of said materials, trash and debris within fifteen (15) days after completion of work provided for on the permit, the bond will be forfeited to and the aforesaid bank check or cash money will become the sole property of the city and will be used by the city to clean up the property. Provided, however, that the bond or deposit required hereby shall not be considered as liquidated damages, and the city reserves the right to proceed against the permittee for any costs incurred by the city in excess of said bond or deposit.

- (9) *Permit display.* The building permit shall be permanently displayed at the site to which it is pertinent from the start of construction until the completion of construction. Said permit shall be clearly visible from the street. Said permit shall be encased in plastic and affixed to a display board which shall be on a separate post on the property or affixed to the temporary power pole, or to an existing building. The building official shall use this display board as the location for the signed inspection slips and other information for the builder.

- (10) *Transfer of permits.* A building permit may be transferred only after written permission therefore has first been secured from the building official. No such transfer shall be permitted unless the new owner or builder would have been qualified to receive the permit initially. There shall be no transfer to relatives except in the case of the death of the initial applicant; however, if the applicant is survived by a spouse, then that spouse shall automatically have the rights of the applicant. Said new owner or builder shall succeed only to such rights and such duties as were applicable to the previous owner or builder prior to transfer. No fees shall be charged for any such transfer.

(11) *Refund of permit fee.*

- (a) *Permit never granted:* In the event that a building permit application has been filed and a building permit fee paid as provided herein and due to irregularities, incompleteness, or noncompliance with the Code of Ordinances, a permit cannot be granted within ninety (90) days, the fee less a handling charge of ten (10) per cent or one hundred dollars (\$100.00), whichever is greater, and the building plans shall be returned to the property owner.
- (b) *Permit granted:* In the event the building permit is granted and within ninety (90) days from the date of issuance of said building permit the owner requests the cancellation of said permit, fifty (50) per cent of the permit fee shall be returned to the owner if construction thus permitted has not started. If said

request for cancellation shall be made after construction has started or after expiration of the ninety-day period, no refund shall be made. If a second application is made on the same property, the rules and regulations in existence at the time of the new application shall apply.

Sec. 6-7. - New construction: required performance and permit expiration.

- (a) *Failure to begin work.* Completed foundation and/or pilings for the structure for which the permit was issued must be in place within the time provided in the Florida Building Code. An appeal can be made to the city commission for one (1), ninety-day extension prior to expiration of the initial period. If an extension is not requested or granted, the permit becomes null and void. If a permit becomes null and void pursuant to this subsection, a new permit must be obtained before construction is started, and new fees must be paid therefor.
- (b) *Discontinuance of work.* If work on new construction under a permit issued in accordance with this chapter is discontinued and builder does not request an inspection to show proof of continued construction for a period of one hundred eighty (180) days without the consent of the city commission, the permit shall be null and void.
- (c) *Restoration of property.* If a permit becomes null and void for either failure to begin the new construction work or discontinuance of the work, it shall be the duty of the permittee and the property owner to restore the property to its condition prior to the issuance of the permit.
- (d) *Deadline for completing new construction.* Unless otherwise specified by the city commission, every building or structure on which new construction is started must be completed within fifteen (15) months from the date of the start of construction, and any building or structure which is not completed within said fifteen (15) months shall be considered in violation of this article and the owner thereof shall be subject to penalties for violation of this article; provided, however, that the city commission may grant extensions not to exceed one (1) year in the aggregate for the completion of said construction. Said extension shall not be considered unless requested by the property owner or owner's agent prior to thirty (30) days of the date of expiration of the permit, unless the applicant shows good cause to the commission that he was unable to present his request for an extension prior to thirty (30) days of the date of expiration of the permit. Unless otherwise directed by the city commission, the monthly fee payable in advance for the extension shall be ten (10) per cent of the original building fees including impact fees and sewer connection fees for issuance of the permit. After the extension has expired, the permit shall be null and void.
- (e) *Continuation of construction permit.* When a permit becomes null and void because of permit expiration, and the property owner has not requested an extension, the property owner must then apply to the building department for a continuation permit to complete the construction. The monthly fee payable in advance for the continuation permit shall be fifteen (15) per cent of the original building fees including impact fees and sewer connection fees applicable when the original building permit was issued. The time frame for the continuation permit shall be the decision of the city commission and the property owner.

Sec. 6-8. Remodeling: required performance and permit expiration.

Remodeling or other alteration work under a permit issued in accordance with this chapter shall not be discontinued for more than thirty (30) days. Evidence of this shall be: (i) failure of the builder to request an inspection within thirty (30) days of the last inspection; or (ii) building official field inspection determination that no significant work has been performed during this period. Such discontinuance shall result in an indefinite extension of the permit coupled with a three dollar (\$3.00) daily fee until the work is completed and the required inspections called for resulting in approval of the work.

Sec. 6-9. Inspections.

- (a) *In general.* The building official shall establish a schedule of building inspections and approvals shall be granted in accordance with the schedule during the course of construction or alteration. The builder shall notify the building official when work is ready for inspection, and allow one (1) full working day for completion of the inspection. In the event that the builder does not notify the building official of a required inspection, the building official may at his option require a letter of compliance from the applicant's engineer, or he may

require the builder to tear down or demolish the work done since the preceding completed inspection. The permittee may appeal this decision to the city commission within ten (10) working days. In any case, the building official shall inspect all permitted work at least once every thirty (30) days.

(b) *Requests for inspections.*

- (1) Requests for inspections are to be made only by the builder, or by the plumbing, electrical, mechanical or roofing subcontractor.
- (2) Requests for inspections are made to the building official who will obtain the following:
 - Date when ready for inspection.
 - The address and legal description.
 - Name of party calling.
 - Type of inspection requested.

(c) *Stop orders.* In the event that the building official shall become aware that any construction or alteration is in violation of this chapter or any other pertinent ordinance, rule or regulation, a stop order may be issued for such construction or alteration. Said stop order shall be of such form and substance as shall be provided by the building official. Said stop order shall be posted on the site of said construction or alteration and all building activity thereon shall cease and shall remain in cessation until said stop order has been withdrawn by the building official.

Sec. 6-10. - Working days.

Construction activity can occur only during the following time periods:

- (1) *Working days.* Working days are Monday, Tuesday, Wednesday, Thursday, Friday and Saturday except when any such day shall be a holiday.
- (2) *Working hours.* Working hours are from 7:30 a.m. until 6:00 p.m. on working days.
- (3) *Holidays.* For the purposes of this section, holidays are New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Any other special holiday may be granted at the discretion of the city commission.
- (4) *Applicability.* The above restrictions apply only to work performed which requires a building permit.

Sec. 6-11. Certificate of occupancy.

(a) *Documents.* Before a certificate of occupancy is issued, the building official must receive:

- (1) A written certification with seal impression by a registered land surveyor or professional engineer of the actual elevation, in relation to mean sea level or NGVD, of the applicable floor structure as specified in article VIII of the land development code; this certification should be obtained prior to the "pour" of said floor. The building official shall ascertain that the applicable elevation meets city requirements.
- (2) A written certification by the contractor or owner that the building has been constructed according to the approved plans.

(b) *Permit and use conformance.* It shall be the duty of the building official to issue a certificate of occupancy after a final inspection at which it has been determined that the building has been constructed in accordance with the provisions of the building permit and provided that such building is designed, arranged, intended and authorized (zoning) for the specified use. This also includes satisfactory completion of the certificate of occupancy check list. In no event shall any building be occupied or used until a certificate of occupancy is issued by the building official.

(c) *Change of use.* Whenever the principal use, as classified ~~under chapter 4 of the standard building code in the~~ Florida Building Code, of an existing structure or parcel is to be changed, the owner, agent, lessee or intended

occupant thereof shall apply to the building official for a certificate of occupancy stating that the new use is an approved use within the zoning district in which the structure or parcel is located. The building official shall issue a certificate of occupancy only when the new use conforms to the requirements set forth in the land development code including the concurrency requirements of article XI.

- (d) *Site cleanup.* A cleanup of the construction site must be performed and the requirements of the cleanup bond met before the issuance of a certificate of occupancy. See subsection 6-6(8).
- (e) *Sewer connection.* Prior to connecting to the city sewer line, the builder must give twenty-four (24) hours notice to the city as to the need for an on-job inspection for the proper tie-in with the sewer line. The building official, after inspecting the connection, will sign a tie-in certificate showing that the connection was witnessed. The tie-in certificate will be given to the builder or representative making the connection. The sewer tie-in certificate must be signed before a certificate of occupancy is issued.
- (f) *Address numbers.* The building must display correct numbers as specified in article III prior to the certificate being issued.
- (g) *Revocation of certificate of occupancy.* The building official may revoke any certificate of occupancy if a false statement is contained in the application on which the certificate was issued or if the subsequent use does not conform to the requirements of the zoning district in which the structure or parcel is located.

Sec. 6-12. - Inspection of business property.

The building official or his designee shall conduct an inspection of the premises where any business is to be conducted whenever an application is submitted in order to insure that the premises are in compliance with all applicable codes. An annual inspection may be conducted as scheduled throughout the year with an administrative fee to be paid for each inspection and reinspection. The amount of inspection fee and reinspection fee may be set by resolution of the commission.

Sec. 6-13. - Public right-of-way use permit.

- (a) *When required.* Any person, firm, corporation or other entity who has a use within the public right-of-way use which requires maintenance and repairs to be made including streets, bike paths, rights-of-way, swales, or any paved area on city property, shall be required prior to commencement of any such maintenance and repair to obtain a city public right-of-way use permit from the building official.
- (b) *Restoration by permittee.* Where any city road or right-of-way is damaged or impaired in any way because of construction, installation, inspection or repair work by any permittee pursuant to subsection (1), the permittee shall, at their own expense, promptly restore the road or right-of-way to the satisfaction of the city in regard to its original condition before such damage. If the permittee fails to make such restoration, the city is authorized to do so and charge the cost thereof against the permittee in accordance with the provisions of F.S. §§ 338.18, 338.20 and 125.42, 1981.
- (c) *Requirements of permittee.*
 - (1) *Utility notification:* All existing aerial and underground utilities must be located and the appropriate utilities notified of the proposed work.
 - (2) *Traffic and safety:* All necessary provisions shall be made for the accommodation and convenience of traffic and shall take such safety measures, including the placing and display of caution signs and signals as required by the current edition of the Florida Department of Transportation Manual on Uniform Traffic Control Devices for Streets and Highways. The applicant shall further prevent obstruction or conditions which are or may become dangerous to the traveling public. The authority to temporarily close off a street or easement in its entirety rests entirely with the city administrator or police chief.
 - (3) *Police and fire:* The city police department and the concerned ambulance and fire districts shall be notified in writing before any street closing (when approved by the city commission), street opening and/or pavement excavation.

- (4) Hydrants: Fire hydrants and fire wells shall be left accessible at all times.
- (5) Inspection: All repairs will be made under the supervision of the building official; final inspection of all repairs will be made by the building official or designee thereof.
- (6) Utility sewer disruption: Existing utility service shall not be disrupted without specific authority of the concerned utility and public notification, by newspaper or the airways, that the disruption will occur. Repairs determined to be of an emergency nature are not subject to the notification procedure.
- (7) Pollution control: The flow of stormwater within drainage facilities will remain unimpeded. Adequate measures will be taken to prevent pollution of water in the area from runoff, and pollution of the air from dust, during the course of construction and restoration.
- (8) Property restoration: Any property (public or private) which is used or affected by a permitted project will be maintained and preserved from damage to the maximum extent feasible during the operation and restored to its original condition upon completion or cessation of work.

Sec. 6-14. - Appeal of building official's decision.

Any person aggrieved by a decision of the building official in the enforcement of this chapter may appeal in writing to the city commission. Any such appeal must be filed in writing with the city clerk together with the fee established in the fee schedule. Any such appeal must be filed within thirty (30) days after the act or decision upon which the appeal is made and must specify the grounds thereof.

Sec. 6-15. - Penalties and fines.

See section 1-1 of the Code of Ordinances for the provisions covering penalties, fines and liens relative to enforcement of this chapter as administered by the code enforcement board.

Sec. 6-16. - Contractor liability.

Any contractor or subcontractor who performs work on a residence which exceeds the scope of a building permit, or without benefit of a building permit, in a manner which creates a habitable floor ~~below base flood elevation or converts nonhabitable~~, or converts parking, storage or building access space to a habitable floor below the lowest floor elevation required by the Florida Building Code ~~base flood elevation~~ or causes a violation of the density requirements for the district or location shall be subject to the enforcement procedures of the code enforcement board. The code enforcement board, upon finding a contractor or subcontractor in violation of this section, shall have the power to revoke or suspend the privilege of the contractor or subcontractor, or both, to perform work in the City of Key Colony Beach for an appropriate period of time within the discretion of the board. This section shall be considered to supplement and not to abridge any remedies against the owner of the property as provided elsewhere in the Code.

Sec. 6-17. - Private improvements on city rights-of-way.

Any construction of driveways or other private improvements within city rights-of-way by a property owner:

- (1) Shall be located in the city right-of-way that is in front of, and in the case of corner lots, also on the side of, that owner's property.
- (2) Shall be at the sole expense of that property owner.
- (3) Shall only be undertaken pursuant to a building permit.
- (4) Shall be maintained by that property owner.
- (5) Shall be restored at the sole expense of that property owner if damaged or destroyed, pursuant to repair or construction on roads, walking paths, sewers, phone lines and cables or other utilities.

Right-of-way is hereby defined as land which the City of Key Colony Beach owns or has been dedicated in the plat for public use, or has an easement devoted to or required for use as a transportation facility or public utilities.

It includes, but is not limited to, the public streets and land between the public street and the front lot line of the adjacent platted lot.

Said rights-of-way shall remain city property after permitted improvements are built upon them.

The city reserves the right to remove improvements within the rights-of-way if the city determines it to be necessary.

At the time of issuance of a permit for construction across the city rights-of-way, permittee shall sign an acknowledgment of this section to remain in the building file.

Sec. 6-18. - Certificate of competency required.

- (a) Any person, firm or corporation shall be subject to the provisions and penalties of this chapter if they do not possess a current certificate of competency and they:

- (1) Advertise in any newspaper, airwave transmission, phone directory or other advertising media; or
- (2) Issue any card advertising, or device indicating to the public that they are a contractor, or are qualified to engage in the business as a contractor; or
- (3) Hold themselves out as a contractor as plaintiff or defendant in any court of this state.

A certified copy of such court record or a copy of such newspaper, telephone directory, or other advertising making such assertion shall be prima facie evidence in court, or in any other proceeding authorized by this chapter, that the person purports to have the capacity to act as a contractor.

- (b) Contractors conducting their contracting business with the City of Key Colony Beach shall identify all vehicles used in the furtherance of their business by use in the transporting of materials, equipment or employees to a job site, by placing on the sides thereof identification of the contractor by name and their certificate number, in a size no less than three (3) inches.

Exceptions:

Those vehicles rented or leased by a contractor from a commercial vehicle rental agency for a period of less than one (1) month and such vehicles are plainly marked with the name of the lessor in a size which is easily readable.

A vehicle owned by an employee which vehicle is only used for private transportation or in carrying employees' personal tools and personal equipment necessary to fulfill their job tasks.

Sec. 6-19. - Sheds.

- (a) A manufactured shed may be placed on a property without a building permit provided that the following requirements are met:

- (1) Maximum of two (2) per dwelling unit.
- (2) Maximum size for each manufactured shed is one hundred thirty (130) cubic feet.
- (3) No encroachment into the setbacks is created by the placement of the shed.
- (4) The shed must be securely anchored to the wall of the dwelling unit.

- (b) Administrative variances for manufactured and constructed sheds in the side setback. The building official, with the concurrence of the mayor, shall grant an administrative side setback variance for a shed if the following conditions are met:

- (1) Applicant submits an application form accompanied by a signed consent from the property owner adjacent to the requested variance. Application is to be filed with the city clerk along with the required fee.
- (2) Creating the administrative variance leaves adequate access for fire and EMS personnel and equipment.

- (3) The shed does not create an aesthetic detriment to the neighborhood.

If the building official or mayor believes that all of these conditions have not been met, the variance application may proceed only if the applicant follows the requirements of land development regulations section 101-171, "Variances".

No administrative setback variance for a shed shall constitute precedent or justification for additional setback variances on the property receiving the administrative variance.

Sec. 6-20. - Signs.

- (a) With written concurrence of the city administrator and the building official, the city shall grant an administrative variance for a permit not to exceed one (1) year, upon the following conditions:
- (1) A temporary sandwich board not to exceed two feet by four feet (2 × 4 ft.) shall be placed in B-1, RH zoning districts only.
 - (2) A banner sign not to exceed thirty (30) square feet may be placed in B-1, RH and R3 zoning districts only.
 - (3) Sign shall be professionally manufactured and inspected by the city administrator and the building official prior to placement.
 - (4) Creating the administrative variance leaves adequate access for fire and EMS personnel and equipment.
 - (5) Fees for the administrative variance for one (1) year are: sandwich board style shall be seventy-five dollars (\$75.00) and banner style one hundred fifty dollars (\$150.00).
 - (6) Although an applicant shall be allowed to apply for an annual renewal of the administrative variance the city shall retain the right to amend its criteria and disapprove renewals.
 - (7) Signs placed pursuant to the administrative variance shall not be considered grandfathered in the event of a change of criteria or the repeal of the ordinance. If the applicant is a lessee the application form shall be accompanied by a signed consent from the property owner. Applications shall be filed with the city clerk along with the required fee.
 - (8) Only one (1) administrative sign variance may be granted for a business.
- (b) If the building official or mayor believes that all of these conditions have not been met, the variance application may proceed only if the applicant follows the requirements of land development regulations section 101-171, Variances.

Sec. 6-21. - Silt fence required.

- (a) A silt fence is a temporary sediment control device to protect water quality from sediment (loose soil) in stormwater runoff.
- (b) No demolition of existing structures or construction of new structures shall commence until such time as a silt fence is installed in a manner to prevent erosion and/or the migration of silt, fill or other matter into the adjacent waterway or onto the adjacent lot(s). Building permits issued by the city shall contain this requirement in conspicuous print.
- (c) The silt fence shall be removed only upon the construction project passing the final inspection or such earlier time that written consent is issued by the building official.

Secs. 6-22—6-24. - Reserved.

Sec. 6-25. - Amendments to the Florida Building Code, ~~Building~~.

(1) Required certification forms.

(a) The City of Key Colony Beach V-Zone Certification shall be submitted for buildings in Coastal High Hazard Areas and Coastal A Zones.

(b) Where elevations of buildings in flood hazard areas are specified in applications, and where certification of the elevation of buildings in flood hazard areas is required, the FEMA Elevation Certificate shall be submitted.

(c) Where certifications of the design of dry floodproofed nonresidential buildings in flood hazard areas is required and where certification of the elevation of dry floodproofing is required, the FEMA Dry Floodproofing Certificate for Nonresidential Structures shall be submitted.

(2) *Nonconversion agreements.* Applications for buildings with enclosures below the required elevation shall include signed declarations of land restrictions (nonconversion agreements), as defined in the Land Development Regulations, Article II. The agreements shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.

(3) *Enclosures below required elevations for dwellings in floor hazard areas.* Enclosed areas below the required elevation for dwellings in flood hazard areas shall be limited as follows:

(a) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code.

(b) Where perimeter walls are permitted, the limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations.

(c) Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

~~107.3.5 Minimum plan review criteria for buildings.~~

~~Commercial Buildings: Building~~

~~8. — Structural requirements shall include:~~

~~Flood requirements in accordance with Section 1612, including lowest floor elevations, the City of Key Colony Beach VE-Zone Certification form, FEMA's Floodproofing Certification form (FEMA Form 086-0-34), enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.~~

~~Residential (one- and two-family):~~

~~6. — Structural requirements shall include:~~

~~Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, the City of Key Colony Beach VE-Zone Certification form, declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.~~

~~110.3 Required inspections.~~

~~Building [partial shown]~~

~~1. — Foundation inspection.~~

~~1.1. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the FEMA Elevation Certificate (FEMA Form 086-0-33) shall be submitted to the authority having jurisdiction.~~

5. ~~Final inspection.~~

5.1. ~~In flood hazard areas, as part of the final inspection, final FEMA Elevation Certificate (FEMA Form 086-0-33) of the lowest floor elevation shall be submitted to the authority having jurisdiction.~~

SUBSTANTIAL DAMAGE. ~~Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.~~

SUBSTANTIAL IMPROVEMENT. ~~Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to November 22, 2011. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.~~
- ~~2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

Sec. 6-26. - Reserved. Amendments to the Florida Building Code, Existing Building.

SUBSTANTIAL DAMAGE. ~~Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.~~

SUBSTANTIAL IMPROVEMENT. ~~Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to November 22, 2011. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~3. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.~~
- ~~4. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

Sec. 6-27. - Reserved. Amendments to the Florida Building Code, Residential.

Modify Sec. R322 as follows:

R322.2.2 Enclosed area below design flood elevation. ~~Enclosed areas, including crawl spaces, that are below the design flood elevation shall:~~

- ~~1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. The limitation on partitions does not apply to load bearing~~

walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

Remainder unchanged

~~R322.3.4 Walls below design flood elevation.~~ Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

- ~~1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and~~
- ~~2. Are constructed with insect screening or open lattice; or~~
- ~~3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or~~
- ~~4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:~~
 - ~~4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base flood.~~
 - ~~4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water loading values used shall be those associated with the design flood. Wind loading values shall be those required by this code.~~
- ~~5. Walls intended to break away under flood loads as specified in Items 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.~~

~~R322.3.5 Enclosed areas below the design flood elevation.~~ Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be temperature controlled or partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

~~R322.3.6 Construction documents.~~ The construction documents shall include the City of Key Colony Beach V Zone Certification form that is prepared and sealed by a registered design professional that the design and methods of construction to be used meet the applicable criteria of this section.

Secs. 6-28, 6-29. - Reserved.

ORDINANCE NO. 2026-517

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING ARTICLE X. (SIGNS) OF THE LAND DEVELOPMENT REGULATIONS RELATED TO GOVERNMENT SIGNS IN ZONING DISTRICTS PUBLIC BUILDINGS AND GROUNDS (PB) AND PUBLIC RECREATION (PR); SPECIFICALLY AMENDING SECTION 101-130 (PURPOSE AND DEFINITIONS) TO PROVIDE FOR A NEW DEFINITION OF GOVERNMENT SIGNS, AMENDING SECTION 101-131 (PROHIBITED SIGNS) TO REMOVE PROHIBITIONS ON GOVERNMENT SIGNS, AND AMENDING SECTION 101-133 TO EXEMPT GOVERNMENT SIGNS IN ZONING DISTRICTS PUBLIC BUILDINGS AND GROUNDS (PB) AND PUBLIC RECREATION (PR); PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION IN THE LAND DEVELOPMENT REGULATIONS; 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 as relating to government signs within zoning districts PB and PR; and

WHEREAS, the City Commission desires to specifically amend Article X, Sections 101-130, 101-131, and 101-133 of the City’s Land Development Regulations in order to define and regulate government signs within zoning districts PB and PR; 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 101-130 of the Land Development Regulations

Section 101-130 (Purpose and definitions.) of Article X. (Signs) of the Land Development Regulations of the City of Key Colony Beach, Florida, is hereby amended as follows:

Sec. 101-130. – Purpose and definitions.

Flag: A piece of light-weight, flexible material such as cloth or plastic with one (1) side attached to a pole and the other end flying freely.

Government sign: A temporary or permanent sign erected by or on the order of: (1) the City; (2) an authorized City public official; or (3) a quasi-public entity at the federal, state or local government level in the performance of any duty.

Ground or monument sign: Any freestanding solid monument structure containing a sign face which is supported solely by its own ground-mounted base and which is not attached or affixed in any way to a building or other structure.

Section 2: Amending Section 101-131 of the Land Development Regulations

Section 101-131 (Prohibited signs.) of Article X. (Signs) of the Land Development Regulations of the City of Key Colony Beach, Florida, is hereby amended as follows:

Sec. 101-131. – Prohibited signs.

Excluding government signs in zoning districts PB and PR, the The following signs are prohibited anywhere in the city:

(1) Abandoned signs.

Section 3: Amending Section 101-133 of the Land Development Regulations

Section 101-133 (Public interest or exempt signs.) of Article X. (Signs) of the Land Development Regulations of the City of Key Colony Beach, Florida, is hereby amended as follows:

(8) Memorial signs including but not limited to names of buildings or individuals when made of bronze or other durable materials or when cut into any masonry surface provided the signs do not exceed four (4) square feet per sign face.

(9) Government signs with commission approval in zoning districts PB and PR are expressly exempt from the requirements of Article X.

Section 4: 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 5: Inclusion in the Land Development Regulations

The provisions of this Ordinance shall be included and incorporated into the 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 6: 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 22nd day of October, 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 19th day of November, 2026.

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

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

Freddie Foster
Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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

ORDINANCE NO. 2026-518

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA, AMENDING ARTICLE II. (DEFINITIONS) AND ARTICLE IV. (SUPPLEMENTAL REGULATIONS) OF THE LAND DEVELOPMENT REGULATIONS RELATED TO GOVERNMENT PROPERTY ADORNMENTS IN ZONING DISTRICTS PUBLIC BUILDINGS AND GROUNDS (PB) AND PUBLIC RECREATION (PR); SPECIFICALLY AMENDING SECTION 101-8 (DEFINITIONS) OF THE LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR A NEW DEFINITION OF GOVERNMENT PROPERTY ADORNMENT, AND AMENDING SECTION 101-26 (ACCESSORY STRUCTURES AND USES) TO ESTABLISH REGULATIONS RELATED TO GOVERNMENT PROPERTY ADORNMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY, REPEAL, AND CODIFICATION IN THE LAND DEVELOPMENT REGULATIONS; 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 as relating to governmental property adornments on property within zoning districts PB and PR; and

WHEREAS, the City Commission desires to specifically amend Article II, Section 101-8, and Article IV, Section 101-26 of the City’s Land Development Regulations in order to define and regulate governmental property adornments within zoning districts PB and PR; 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 101-8 of the Land Development Regulations

Section 101-8 (Definitions.) of Article II. (Definitions) of the Land Development Regulations of the City of Key Colony Beach, Florida, is hereby amended as follows:

Sec. 101-8. – Definitions.

Gasoline station: Any place that is designed or used for the retail sale and direct delivery to motor vehicles of fuels, lubricating oil, air, water and other operating commodities but not facilities for the installation of such commodities but not including the performance of any auto body work, welding, painting or other than emergency repairs on any motor vehicle.

Government property adornment: Any statuary, fountain, bird bath, planter or similar item that is placed by the City, or with its approval, as a permanent adornment in zoning districts PB Public Buildings and Grounds and PR Public Recreation.

Group home: A dwelling unit licensed to serve clients of the Department of Health and Rehabilitative Services which provides a living environment for 6 or less unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of residents. The clients are limited to: children (including foster children), the aged, physically disabled, handicapped, developmentally disabled and mentally ill who do not constitute a direct threat to the health, property and safety of the neighborhood. State statutory requirements must be met, including 1,000 foot (or more) spacing between such homes.

Yard adornments: Any statuary, fountain, bird bath, planter or similar item that is placed in any yard as a permanent adornment. **The term “yard adornment” expressly excludes government property adornments.** (See article IV, Supplemental Regulations, section 101-26(10) for yard adornment regulations.)

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

Section 101-26 (Accessory structures and uses.) of Article IV. (Supplemental 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.

(13) *Yard adornments.* Yard adornments are permitted in any front or rear yard area, but no yard adornment shall be permitted in any side setback. Yard adornments cannot be more than 48

inches high and not more than 9 square feet at the base. No more than 2 yard adornments are permitted in any front or rear yard area of a lot.

(14) Government property adornments. Government property adornments are permitted as of right in zoning districts PB and PR, and shall not be governed by any limitations including but not limited to location, height and base dimensions, materials, or quantity.

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 Land Development Regulations

The provisions of this Ordinance shall be included and incorporated into the 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 22nd day of October 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 22nd day of November 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 22nd day of November 2026.

Freddie Foster
Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

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

Question: May a Key Colony Beach Planning & Zoning Board member research the City's ordinances and discuss them with a citizen who may have a matter appear before the Board, without violating Florida Sunshine or ex parte rules?

COMMUNICATION WITH A CITIZEN REGARDING A POTENTIAL QUASI-JUDICIAL MATTER

Question: May a Key Colony Beach Planning & Zoning Board member research the City's ordinances and discuss them with a citizen who may have a matter appear before the Board, without violating Florida Sunshine or ex parte rules?

Preliminary Finding. Generally, yes. A private conversation with a member of the public is not itself a Sunshine meeting. Florida law expressly permits direct communications with local officials concerning matters that may come before their boards. If the citizen's application later comes before P&Z in a quasi-judicial capacity, however, Key Colony Beach's own P&Z materials instruct the Board member to disclose the communication on the record. The safest course is to provide objective Code/process research, keep a brief record of communications, avoid becoming the applicant's advocate, and decide any later application solely on the competent evidence in the public record.

1. Florida Sunshine Law - F.S. § 286.011. The Sunshine Law applies to meetings of a covered board or commission at which official acts are to be taken. A conversation between one P&Z member and a private citizen/friend is therefore not, by itself, a meeting of the P&Z Board. The principal Sunshine concern would arise if the citizen were used as a conduit for communications between Board members.

Relevant statutory text: "All meetings of any board or commission ... at which official acts are to be taken" must be public.

Citation: Fla. Stat. § 286.011(1) (2026), Florida Legislature, Online Sunshine.

2. Ex parte communications - F.S. § 286.0115. Florida law specifically recognizes communications between members of the public and local public officials who recommend or take quasi-judicial action. Section 286.0115(1)(c) permits a person, unless otherwise prohibited, to discuss the merits of a matter on which the official's board may act. For local-government land-use quasi-judicial proceedings, § 286.0115(2)(c) further provides that direct communication with a decision-maker may not be prohibited merely as ex parte communication; the ultimate decision must still rest on substantial, competent evidence in the proceeding's record.

Relevant statutory text: "a person may not be precluded from communicating directly with a member of the decisionmaking body."

Citation: Fla. Stat. § 286.0115(2)(c) (2025), Florida Legislature, Online Sunshine.

3. Key Colony Beach's specific P&Z procedure. The City's November 19, 2025 P&Z agenda packet contains an express ex parte instruction applicable to Planning & Zoning. It defines ex parte communications broadly to include outside contacts about matters to be heard and decided by a quasi-judicial board. If a Board member is contacted outside a public meeting, the City's instruction says that when the matter comes before the Board, the member should disclose: (a) that the communication occurred; (b) its nature; (c) who initiated it; and (d) whether it affects the member's ability to consider the evidence impartially. Written correspondence is to be forwarded to the Board Clerk.

Relevant City text: "the Board Member should state on the record" the specified information concerning the ex parte communication.

Citation: City of Key Colony Beach, Planning & Zoning Board Agenda Packet, Nov. 19, 2025, "EX-PARTE COMMUNICATIONS."

4. Practical guidance for contact with a citizen. The Board member may reasonably research and explain the existing Code, prior City decisions, application requirements, and public records. Because the citizen's specific proposal could later come before P&Z, it is prudent not to prepare his advocacy presentation, lobby other Board members, promise support, or privately resolve disputed facts. If the application comes before P&Z, disclose the citizenship contact and the substance of the relevant communications under the City's procedure, state whether the contact affects impartiality, and evaluate the application on the public record.

Suggested disclosure if the matter comes before P&Z: "The applicant is a citizen and previously asked me about the City's regulations. I assisted in researching the applicable Code, process, and public records. We discussed those matters outside this hearing. Those communications do not affect my ability to impartially consider the application based on the evidence presented in the record."

Important qualification. F.S. § 286.0115(3) preserves a local board's authority to establish its own rules governing hearings and contacts. Accordingly, the City's specific ex parte procedure should be followed.

Sources

1. Florida Legislature, Fla. Stat. § 286.011:
https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/Sections/0286.011.html
2. Florida Legislature, Fla. Stat. § 286.0115:
https://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/Sections/0286.0115.html
3. City of Key Colony Beach, Planning & Zoning Board Agenda Packet, Nov. 19, 2025:
<https://keycolonybeach.net/wp-content/uploads/2025/11/11-19-2025-Planning-and-Zoning-Board-Agenda-Packet.pdf>

Note: This is a research memorandum prepared by Lynne Benton for submittal to Key Colony Beach to clarify this issue and is not to be relied upon as legal advice. Oct 12, 2026.

Question: Do ex parte communication rules apply only to quasi-judicial matters?

EX PARTE RULES ONLY APPLY TO QUASI-JUDICIAL MATTERS

Question: Do ex parte communication rules apply only to quasi-judicial matters?

Preliminary Finding: Generally, yes. Florida's statutory ex parte disclosure procedures for local land-use decisionmakers specifically address communications relating to quasi-judicial action pending before the official. Legislative matters, such as adoption or amendment of generally applicable land-development regulations, are **not** subject to those quasi-judicial ex parte disclosure procedures.¹

Ex Parte communication is communication outside a public hearing between a member of the public and a local public official / member of a quasi-judicial board, regarding quasi-judicial matters to be decided by the local public official / quasi-judicial board.

Relevant City text: "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."

Citation: City of Key Colony Beach, Planning & Zoning Board Agenda Packet, Nov. 19, 2025, "EX-PARTE COMMUNICATIONS."

Relevant statutory text: "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:"

Citation: Florida Statute ("F.S.") 286.0115³ and Key Colony Beach Ordinance, Sec. 203(a).

Relevant statutory text: "Ex parte contacts are those communications that occur outside the public forum. The literal meaning of the term "ex parte" is "one-sided." This, of course, suggests that when you engage in an ex-parte contact, you are engaging in a one-sided discussion, without providing the other side an opportunity to respond and state their case."

Citation: *Florida Officials Planning Handbook*, p. III-5 (73).

³ 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

P&Z Board Members are “Local Public Officials” when acting in a quasi-judicial role.

A “local public official” includes any elected or appointed board member who recommends or takes quasi-judicial action. Thus, for purposes of § 286.0115 and local-government quasi-judicial proceedings, the statute expressly includes appointed officials. A municipal Planning and Zoning Board member who recommends or takes quasi-judicial action falls within this definition.

Relevant statutory text: *“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.”*

Citation: Florida Statute § 286.0115(1)(b):⁵

Note: This is a research memorandum prepared by Lynne Benton for submittal to Key Colony Beach to clarify this issue and is not to be relied upon as legal advice. Oct 12, 2026.

⁵ Florida Legislature, Fla. Stat. § 286.0115. Website:

https://leg.state.fl.us/statutes/index.cfm/ch0934/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299%2F0286%2FSections%2F0286.0115.html