

Planning and Zoning Meeting. June 17, 2026, considering variances and ordinance changes.
Document provided by Lynne Benton, P&Z member.

A community first defines what it values, and then uses its planning, zoning, budgeting, and infrastructure decisions to protect those values over time.

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Agenda Item 7.

Discussion/Recommendation for Approval of the Installation of a 20,000-Pound Elevator-Style Boatlift on a canal with less than 60 feet of navigable waterway at the property located at 230 15th Circle. (pp. 5-14)

Variance Request

Building official states that this is a variance request, but I couldn't find a variance request provided by the applicant ("Building Official Recommendation to P&Z Variance Request – 230 15th Circle / 15K Elevator Boat Lift."). Building Official memo, p. 11.

Decisions must be supported by substantial, competent evidence.

In quasis-judicial hearings, decisions must be supported by substantial, competent evidence in the record pertinent to the proceeding.

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

Applicable code provisions

City Ordinance: Sec. 5-43. - Elevator lifts.

Sec. 5-43. Elevator lifts.

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

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

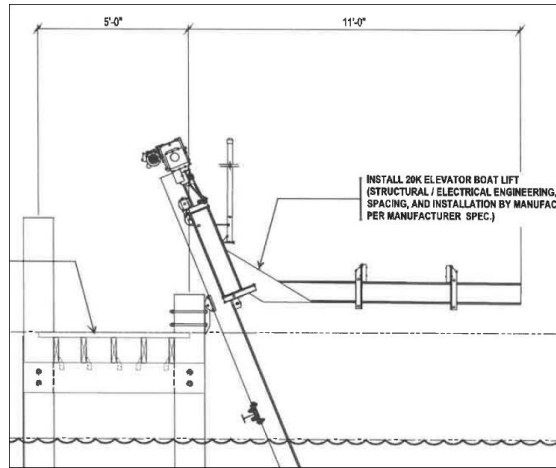
In the Coury Subdivision #2 canals, the measurement is the width of the channel defined by the distance between the outer edges of the wooden docks. Where the shoreline is irregular, at the open end of the Coury Subdivision #2 canals and the Coral Lane Canal, thirty (30) feet from the centerline of the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

Evidence

1. Engineer plans – pp. 5-7
2. Neighbor support – pp. 8-10.
3. Building official recommendation – pp. 11-14.
4. Applicant requests installation of 20,000 pound elevator boat lift.
5. Subject is lot 7

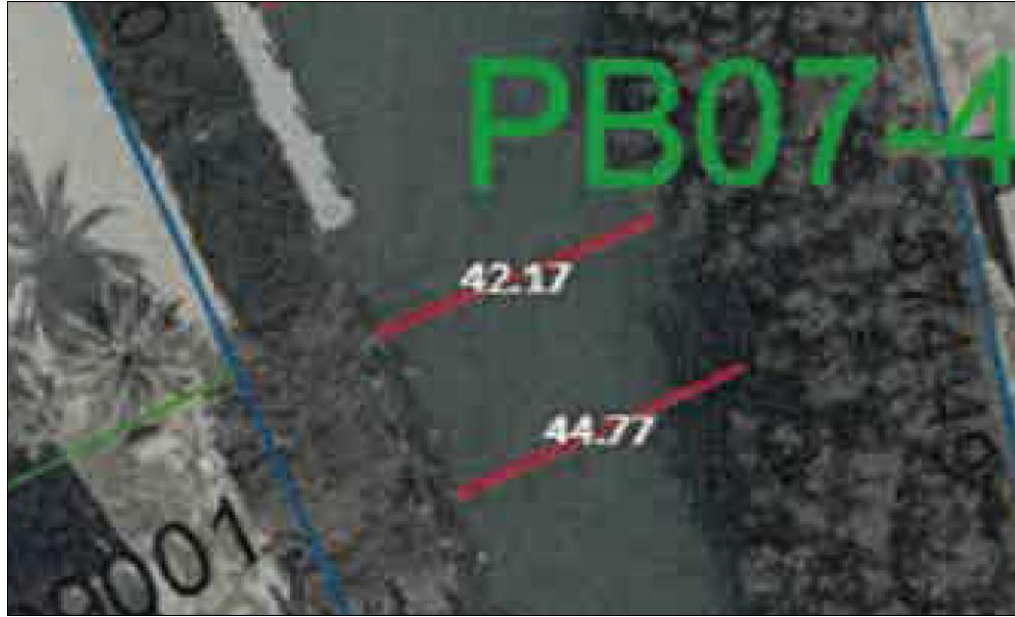


6. Lift and dock appear to extend 16 feet into the canal (from the middle of seawall to middle of dock post (5 feet) to edge of lift (11 additional feet)).

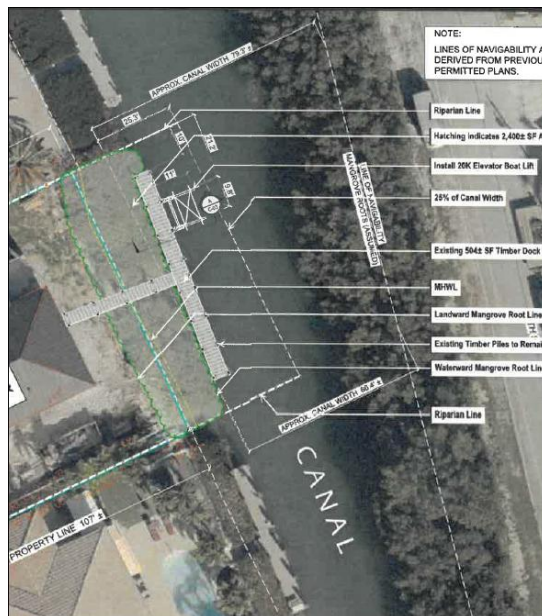


7. Widest navigable waterway, not including the dock or boat lift, appears to be about 50 feet. Building official report, p. 11. The 45 feet distance appears to stop at the outside pilings for the dock.

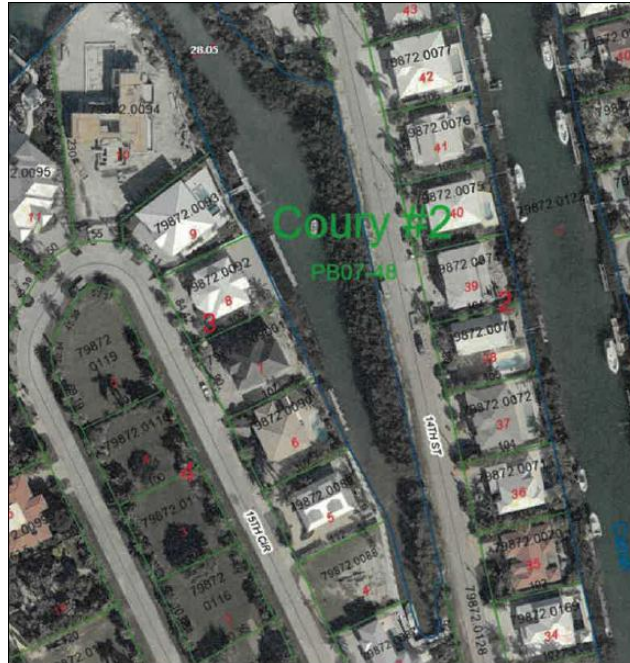




8. The resulting canal width with the dock and lift installed appears to be about 34 feet (45 feet minus 11 foot boat lift) or 33 feet from the lift edge to the vegetation line. Building official states that **33 feet** of width is narrow, but still navigable. Building official report, p. 11.



9. Approval by the City commission must be obtained where the usable and effective waterway width is less than 60 feet, including the waterway obstructed by vegetation. Ordinance, Sec. 5-43(8).
10. Canal narrows for neighboring lots, which may create future navigation and spacing concerns for owners that may also request lifts. Building official report, pp. 11, 13. Photos below does not show the installed dock, see # 3, above.



11. Narrowest one-way navigable canals in Marathon appear to be 35 to 40 feet wide, and these include seawalls on both sides of the canal. **35 to 40 feet is considered very narrow.** L Benton research.
12. Minimum recommended widths for commercial canals with negligible wind and current: one-way traffic - 2.5 times beam width; two-way traffic – 4 times beam width. Beam width of 11 feet results in **27.5 feet** for one-way; **44 feet** for two-way navigation. These numbers are conservative. **U.S. Army Corps of Engineers**, Hydraulic Design of Deep-Draft Navigation Projects . EM 1110-2-1613 31 May 2006. While these studies are for canals for commercial navigation (i.e. shipe beam widths from 28 to 32 foot wide), I was unable to locate any studies for canals used for residential purposes.

https://www.publications.usace.army.mil/Portals/76/Publications/EngineerManuals/EM_1110-2-1613.pdf?ver=1HFuHz2afdaQszolrQPJFA%3D%3D&utm_source=chatgpt.com

The following are recommendations for canals with negligible wind and current. For one-way canal traffic, “a value of **2.5 times** the design ship beam for canals with negligible currents should be conservative.” Table 8-2 below for one-way traffic.

For two-way canal traffic, a minimum value of **4.0 times** the beam is recommended. Table 8-3 below.

b. Width Criteria. Numerous studies have been made reviewing generally accepted design practice in dimensioning channel widths for ship navigation. For one-way ship traffic, values vary from 2.0 to 6.0 or even 7.0 times the design ship beam. A range of 2.8 to 5.0 had been developed based on McAleer, Wicker, and Johnston (1965) and used for design criteria. Simulator studies have consistently showed that it is possible to control ships sailing in quite narrow channels and that the available Corps and international design criteria are overly conservative. In particular, simulator tests on the Sacramento River and the Brazos Island Harbor both indicate that uniform, straight canals with very small currents resulted in recommended channel widths near 2.0 times the design ship beam. Table 8-1 summarizes these test results.

Table 8-1 Channel Design Width Tests			
Simulation Study	Design Ship Beam, m (ft)	Recommended Channel Width, m (ft)	Width/Beam, m (ft)
Brazos Island Harbor	32 (106)	76 (250)	0.7 (2.4)
Sacramento River	28 (93)	61 (200)	0.3 (2.2)

Based on these test results, a value of 2.5 times the design ship beam for canals with negligible currents should be conservative. Using this value and other available data, Table 8-2 is proposed for interim use in one-way channels:

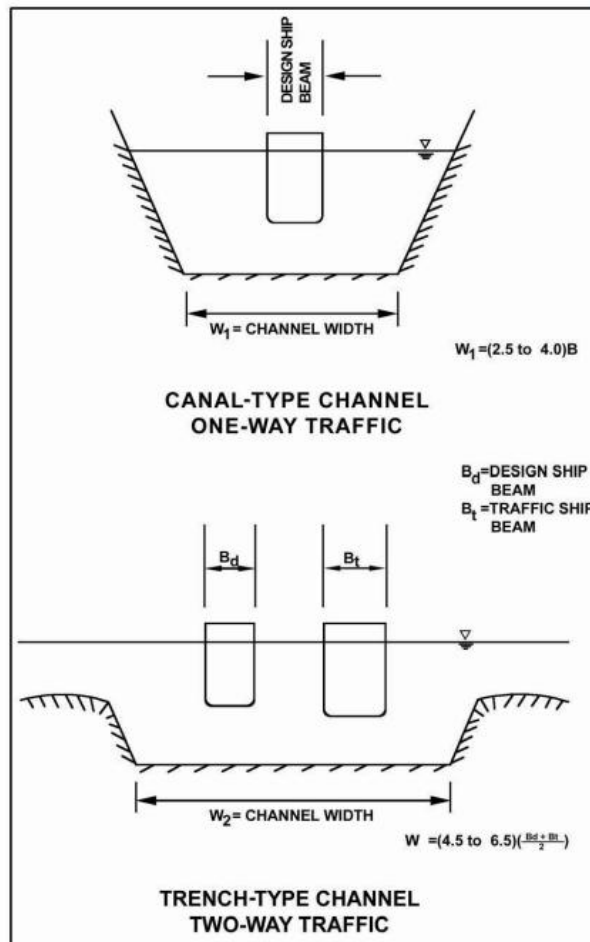


Figure 8-2. Channel design width

Table 8-2			
One-Way Ship Traffic Channel Width Design Criteria			
Channel Cross Section	Design Ship Beam Multipliers for Maximum Current, Knots		
	0.0 to 0.5	0.5 to 1.5	1.5 to 3.0
Constant Cross Section, Best Aids to Navigation			
Shallow	3.0	4.0	5.0
Canal	2.5	3.0	3.5
Trench	2.75	3.25	4.0
Variable Cross Section, Average Aids to Navigation			
Shallow	3.5	4.5	5.5
Canal	3.0	3.5	4.0
Trench	3.5	4.0	5.0

Developing a similar table for two-way ship traffic is difficult because of lack of simulator data. An analysis of published criteria shows a similar highly conservative basis for design. Recent testing on the Houston Ship Channel resulted in data that were also used to develop Table 8-3.

Table 8-3			
Two-Way Ship Traffic Channel Width Design Criteria			
Uniform Channel Cross Section	Design Ship Beam Multipliers for Maximum Current, Knots (ft/sec)		
	0.0 to 0.5 (0.0 to 0.8)	0.5 to 1.5 (0.8 to 2.5)	1.5 to 3.0 (2.5 to 5.0)
Best Aids to Navigation			
Shallow	5.0	6.0	8.0
Canal	4.0	4.5	5.5
Trench	4.5	5.5	6.5

The design channel width for navigation projects with maximum currents greater than 3.0 knots should be developed with the assistance of a ship simulator design study. Furthermore, bank suction can significantly affect ship maneuvering in narrow channels; however, there is no simple analytical relationship between these effects and channel width design criteria. Bank effects should be considered during channel design and can be handled most efficiently through the use of numerical modeling techniques such as those used in a ship simulator.

13. In a 2007 Monroe County case, the appeal court denied an appeal in support of the Army Corps of engineers. The applicant argued that the dock and a moored vessel would occupy more than 25% of the canal width. The court found that the guideline that a dock and moored vessel occupy no more than 25 percent of the navigable waterway was only a guideline, not a hard and fast rule.

"The dock will impede navigation in this canal because the dock and the moored vessel will occupy more than 25 percent of the width of the canal. Their [District] excuse was that there is no vessel currently docked on the opposite side of the canal, but what would prevent the owner of that property from mooring a vessel on their shoreline? We noted in a letter to Ms. Clouser dated May 29, 2006, that SAJ-82 states that" ... where a

mangrove fringe or wetland vegetation exists along the shoreline and a T" or "L" style dock would extend over more than 10 percent of the width of the water body [six feet in this case], the applicant will provide sealed measurements by a licensed engineer, architect or surveyor demonstrating the finished structure (including the beam of boat and mooring piles) will not exceed 25 percent of the navigable waterway." No licensed engineer could make the claim for this dock."

[https://www.sad.usace.army.mil/Portals/60/docs/regulatory/appeals/Tom%20Kaderabek%20\(2005-4114\).pdf](https://www.sad.usace.army.mil/Portals/60/docs/regulatory/appeals/Tom%20Kaderabek%20(2005-4114).pdf)

14. The drawings indicate Mangrove roots, but that their location is not known ("Mangrove roots assumed," p. 6)
15. Mangroves, the vegetation on the opposite side of the canal where applicant's lot is located, are protected ("Why do I need to get a permit just to trim or remove them?")

Mangroves are important for many reasons, and mangrove trimming is regulated under section 403.9321-403.9334, F.S., "Mangrove Act." Mangroves serve as a key ecological component in several ecosystems, including serving as a nursery for many game and sport fisheries. For more information about mangroves, their adaptations, and their importance to both the environment and people, please see our YouTube video, Identification and Ecological Functions of Mangroves or the Mangrove Trimming Guidelines for Homeowners.

<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mangrove-frequently-asked#whyimportant>

Relevant facts

1. Canal width, navigable waterway without any structures, is about 50 feet. Navigable waterways of about 34 feet will result after installation of applicant's lift (5 feet dock and 11 foot lift).
2. Beam width of boat 11 feet (need to verify).
3. Army Corps of engineer guidelines is that dock and boat not occupy more than 25% of navigable canal width. For an 11 foot boat beam, the navigable width should be at least 44 feet. However, this is a guideline, not a hard and fast rule.
4. Mangroves, the vegetation on the opposite of the canal where applicant's lot is located, are protected and the location of their roots are only assumed.
5. Army Corps of engineers suggests 2.5 times beam width for commercial navigable canals, conservatively, while 2.0 times may be appropriate resulting, for an 11 foot beam boat, 22 feet for one-way traffic, and 44 feet for two-way traffic.
6. Marathon considers 35 to 40 feet to be a minimum canal width for navigation for one-way traffic.
7. Canal narrows at both the top and bottom, both sides of applicants lot.

Questions

1. Was there a specific written request, or other documentation provided by the owner documenting their request, perhaps a special exception form or other?
2. Has the dock been installed? Pictures from building official do not show dock.
3. What is the boat beam width of applicant's boat? 11 feet?
4. Horizontal lift protrudes up to 12 feet (Building official report, p. 11) or 11 feet (p. 7).
5. Are there any other boat lifts on the canal? There doesn't appear to be.
6. Are there any other boats docked on the canal – looks like one on the bottom? p. 13.
7. It appears the canal narrows as you exit the canal. Can this accommodate two-way traffic regardless of this approval? How will 2 boats going in opposite directions safely navigate?

Analysis

The question is whether 33 feet of navigable water from the lift edge to the vegetation line is sufficient for a boat with an 11 foot beam (need to confirm this width), to accommodate two-way boat traffic in the event neighboring lots moor boats at their docks.

The drawings indicate Mangrove roots, but that their location is not know ("Mangrove roots assumed," p. 6)

Response to questions required before analysis can be complete.

Agenda Item 8.

Variance Request: Discussion and Recommendation for Approval of a Variance Request from Yankiel Valdes, the property owner at 311 4th Street, for a variance from the City of Key Colony Beach Land Development Regulations, Article IV, Sec. 101-26 (13), which limits yard adornments to a maximum height of 48 inches. The existing adornment on the property exceeds this limit by approximately 36 inches.

Request to be provided a copy of a variance when filed, perhaps I missed an email?

Insufficient notice to provide proper analysis of all variance criteria, perhaps I missed an email? I received notice of the various application six (6) days ago. City ordinance provides that when a variance request is received, the city clerk will deliver the request to the P&Z Committee ("Upon receipt of a written request, the city clerk will deliver the request to the planning and zoning committee.") Key Colony Beach City Ordinance, Sec. 101-171(2)(a). Ord. No. 393-2007, 6-14-07; Ord. No. 2025-505, 3, 9-18-25).

Variance request filed: April 30, 2026. P&Z Packet, June 17, 2026, p. 20.

Variance application

Description of Variance, date filed: April 30, 2026. P&Z Packet, June 17, 2026, p. 20, Variance Request. Permit 7 foot tall yard ornament when code allows 4 feet.

DESCRIPTION OF VARIANCE: Please describe the variance request in regard to type of structure, location on lot, distance from side, rear or front lot lines, or details of the variance, including the current rule in effect and the reason for the variance (for example, building would encroach into the setback by ____ feet). Also state if this is for future construction or existing conditions.

We are submitting a variance request of Article IV Sec. 101-26- (13), which limits adornments to a maximum height of 48 inches. The existing adornment on my property exceeds this limit by approximately 36 inches in height. All other requirement for Yard adornments under Article IV Sec. 101-26- (13) are being complied with.

Applicable code provisions

City Ordinance: Sec. 101-26(13).

(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.

Relevant facts

16. City ordinance limits the height of yard adornments to a maximum height of 48 inches, or 4 feet. City Ordinance: Sec. 101-26(13).
17. Applicant previously installed a yard adornment that exceeds this limit and as such, is requesting "after-the-fact" approval or a variance.
18. The adornment is about 7 feet tall.
19. This adornment exceeds the allowed height by 75% (allowed height 4 feet, installed height 7 feet).

Analysis

1. **Hardship:** Applicant's submittal:

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

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

Applicant lists the hardship in part, “denial ... would result in unnecessary hardship, as the adornment has already been permanently installed ... removal ... would require substantial demolition and restoration work ...” Applicant further states that “the additional height does not create any adverse impact ... as such, strict enforcement ... would impose hardship.”

Florida courts have consistently held that a variance should not be granted when the alleged hardship is self-created. The hardship must arise from unique physical characteristics of the property and not from actions taken by the applicant, prior development decisions, personal preferences, financial considerations, or a desire to use the property in a manner prohibited by the zoning code. Variances are intended to relieve property-based hardships, not owner-created difficulties.

Examples of hardships generally considered *self-created* include:

- Constructing improvements without first verifying setback requirements.
- Designing a structure larger than can fit within the buildable area.
- Purchasing property knowing of the restriction and then claiming hardship.
- Seeking additional amenities (pool, garage, addition, dock, etc.) that cannot fit because of the owner's chosen design.

Examples that may support a variance include:

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

Here, the applicant claims unnecessary hardship “as the adornment has already been permanently installed.” The applicant created the hardship – a self-created hardship cannot be the basis for approving a hardship variance request. Whether the additional height creates any adverse impact is not relevant to evaluating the hardship criteria.

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

CONCLUSION: HARDSHIP – Condition not met, alleged hardship is self-created.

2. **Unique or peculiar physical/geographical circumstances.** Applicant’s submittal:

4. What are the unique or peculiar physical/geographical circumstances or conditions that apply to this property, but do not apply to other properties in the same zoning district?

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

A landscape island may explain where the applicant wishes to place the ornament, but it does not explain why a seven-foot ornament is necessary rather than a compliant four-foot ornament.

CONCLUSION: Conditions unique to this property not provided – condition not met.

3. **Special Privilege:** Applicant states granting the variance does not confer a special privilege because other owners could similarly seek a variance. Granting the variance would confer a special privilege because it would allow the applicant to maintain a structure erected in violation of the ordinance, while similarly situated property owners complied with the four-foot height limitation. Approval would reward noncompliance rather than address a hardship unique to the property.

5. If the variance is granted, would it confer upon the applicant any special privilege that is denied to other properties in the immediate neighborhood in terms of the established development pattern?

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

CONCLUSION: Granting this variance would confer upon applicant a special condition not afforded other similarly situated properties that complied with the 4 foot ordinance.

Agenda Item 9.

Discussion/Recommendation on a Proposed Amendment on Review Committee Procedures for Variances.

P&Z Agenda/Packet

Duties of the P&Z (according to the proposed ordinance, 2026-513).

The P&Z serves as an “*advisory body*” to the City Commission (“providing recommendations on community development, land use, and planning matters that help preserve and enhance the character and quality of life in the City.”) 2026-513, ¶1.

The P&Z *provides recommendations on land use* (“providing recommendations on community development, land use, and planning matters that help preserve and enhance the character and quality of life in the City.”). 2026-513, ¶1.

The P&Z *provides recommendations on community development* (“providing recommendations on community development, land use, and planning matters that help preserve and enhance the character and quality of life in the City.”). 2026-513, ¶1.

The P&Z *provides recommendations that help preserve and enhance the character and quality of life in the City* (“providing recommendations on community development, land use, and planning matters that help preserve and enhance the character and quality of life in the City”). 2026-513, ¶1.

City Commission Initiated

The City Commission has determined it necessary to modify meeting procedures of the P&Z. 2026-513, ¶ 2

Regular review and refinement of procedures help eliminate redundancies and better align advisory work with the City’s strategic planning goals (“the City of Key Colony Beach recognizes that regular **review** and refinement of committee structures, duties, and procedures help eliminate redundancies and better align advisory work with the City’s strategic planning goals”). 2026-513, ¶ 3.

The City has determined that these changes are in the best interest of public health, safety, and welfare of the residents (... the City Commission has reviewed the proposed ordinance and determined that its adoption is in the best interests of the public health, safety, and welfare of the residents of Key Colony Beach, Florida.”) 2026-513, ¶ 4.

Suggested Change

(1) Eliminate the ability of the P&Z to make conditional recommendations concerning variances.

The planning and zoning committee, shall make their recommendation to the city commission in writing, based upon the standards in (5) below. They may recommend approval or disapproval of the variance ~~or may recommend~~

~~approval of the same subject to such specified conditions as it may deem to be necessary or advisable in furtherance of the provisions of this chapter.~~
Reasons for the recommendation shall be stated. Sec. 101-171(2)(c).

1. **Review the purpose of the change** – Identify the problem the amendment is intended to solve and whether the proposed solution addresses that problem. *What problem is this amendment trying to solve? See Attachment 1 for trade-offs.*
2. **Research comparable communities** – Look at how similarly situated communities address the issue, particularly communities with similar geography, demographics, and development patterns. *I couldn't find any other cities in the Florida Keys that deleted this provision. All similar communities include conditional approvals for variances. Many Florida municipalities—including coastal communities such as Marathon, Key West, Islamorada, Naples, and Fort Lauderdale—allow Planning and Zoning Boards, and Planning Commissions to approve applications subject to conditions.*
3. **Apply independent judgment** – While staff recommendations are valuable, board members have an independent responsibility to evaluate the evidence and make their own findings and recommendations.

(2) Suggested Change – Change “Board” to “planning and zoning committee.”
Sec. 101-171(2)(d). *Assumed reason: For consistency.*

(3) Suggested Change m- Grant authority to the City Commission to give notice if the conditions in Sec. 101-171(2)(d) are met.

Suggested: City commission procedure. After receipt of the planning and zoning committee report, or after the planning and zoning committee does not timely consider a request under section 101-171 (2)(d) above, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173. 101-171(3)(a).

Proposed: City commission procedure. After receipt of the planning and zoning committee report, or if the conditions in Sec. 101-171(2)(d) are met, the city commission shall give notice in a newspaper stating the date, time and place of a city commission public hearing as provided for in section 101-173. 101-171(3)(a).

Agenda Item 11.

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

Dissimilar Communities

All references appear to be to communities that are not in the environmentally sensitive area of the Florida Keys, and do not appear to be surrounded by environmentally sensitive and protected waters such as exist in Key Colony Beach.

KCB's own regulatory documents require 10' setback from the MHW for new, permissible "accessory structures" on canals, and swimming pools are defined as an "accessory structure."

KCB's Code of Ordinances define a swimming pool as an "accessory structure."

"For the purposes of this article, 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." [1]

KCB's Comprehensive plan requires a setback of 10' from the MHW for new, permissible "accessory structures" on canals.

"New, permissible accessory structures within the shoreline setback other than docks, utility pilings, seawalls, retaining walls, riprap, walkways, and water observation platforms must maintain: A minimum of 20' as measured from the mean high water (MHW) line on Vaca Cut, 100' from MHW on the Ocean and 10' from MHW on canals, except dockside shelters maximum set back 3 feet from rear property line." [2]

By allowing encroachment into the 10 foot setback, we are in violation of our Comprehensive Plan, with provision mandated by the Florida Legislature.

REFERENCES:

[1] Code of Ordinances. Supplement 35. Online content updated on December 4, 2025. CODE OF ORDINANCES City of KEY COLONY BEACH, FLORIDA Codified through Ordinance No. 2025-506, enacted September 18, 2025. (Supp. No. 35). Sec. 6-58 – Definitions, p. 434.

Source: KCB website:

https://library.municode.com/fl/key_colony_beach/codes/code_of_ordinances?nodeId=PTIICOO R_CH6BU_ARTIVPRMACO_S6-58DE

[2] City of Key Colony Beach Comprehensive Plan (2024-26 Edit). Objective 1.6 Shoreline Setbacks. Policy 1.6.1, p. 17. Source: KCB City Clerk.

Relevant Comparisons

More relevant than comparisons to distant or dissimilar communities would be an examination of municipalities within the Florida Keys that share characteristics with Key Colony Beach. Particularly helpful would be evidence of how those communities have addressed comparable setback requirements, their history of granting or denying

variances, and the specific findings and reasoning supporting those decisions. Such information would provide a more meaningful basis for evaluating whether the circumstances presented here are truly unique and whether granting a variance would be consistent with sound planning practices in the Florida Keys

While it is helpful to understand how other jurisdictions address setbacks, the most persuasive comparisons come from communities that share similar environmental conditions, development patterns, and regulatory concerns.

Key Colony Beach is a small island community in the Florida Keys, surrounded by canals and environmentally sensitive waters, and similar lot configurations.

Regulations adopted by larger mainland or coastal cities or communities with different geographic and environmental characteristics may not reflect the unique circumstances that led the Florida Keys, and Key Colony Beach, to establish its setback requirements.

The question before the Board was not whether another city would allow a different setback, but whether the applicant has met the variance criteria established by Key Colony Beach. The existence of different standards elsewhere does not, by itself, demonstrate that the variance criteria have been satisfied.

It is important to know that while 5 feet is a common baseline in the Florida Building Code, many local cities and counties require much larger setbacks (sometimes up to 20 or 25 feet) depending on flood zones and local zoning laws.