

RESOLUTION NO ____

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD RECOMMENDING
APPROVAL OF AN ORDINANCE TO THE CITY
COMMISSION TO AMEND LAND DEVELOPMENT
REGULATIONS CHAPTER 90 OF THE LAND
DEVELOPMENT REGULATIONS, ENTITLED
“ADMINISTRATION”, SECTION 90-301
ENTITLED, “ENFORCEMENT AUTHORITY.”; TO
CLARIFY THE ENFORCEMENT AUTHORITY OF
THE CHIEF BUILDING OFFICIAL AND THE CITY
CODE OFFICIAL, PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR
AN EFFECTIVE DATE.**

WHEREAS, the City of Key West received the final report from the Monroe County Grand Jury, Spring Term 2025, entitled “*Unbuilding Trust: The Grand Jury’s Findings on Abuse of Power in Paradise*”, which included twenty-seven recommendations, two of which proposed amendments to Section 90-301 to clarify the enforcement authority of the Chief Building Official and formally establish the enforcement role of the City Code Official; and

WHEREAS, the City of Key West’s Growth Management Division, which includes both the Building and Code Enforcement Departments, is actively working to enhance communication and collaboration within the Division and with other City departments, and therefore supports the Grand Jury’s recommended language; and

WHEREAS, the proposed amendments are intended to improve interdepartmental coordination among the Building, Planning, Code Enforcement, and other City departments; and

WHEREAS, strengthened collaboration among these departments will help ensure consistent

compliance with the City of Key West Code of Ordinances, Land Development Regulations, adopted Building Codes, and other applicable regulatory standards; and

WHEREAS, the Planning Board held a noticed public hearing on October 16, 2025, and reviewed the proposed amendment to the Land Development Regulations in accordance with Section 90-522; and

WHEREAS, the Planning Board determined, in accordance with the criteria of Code Section 90-520(6), that the proposed amendment is consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; is stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and is in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1: That Chapter 90 entitled “Administration”, Article IV entitled “Administrative Official”, Section 90-301 entitled “Enforcement Authority” is hereby amended as follows*:

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

Sec. 90-301. - Enforcement authority.

(a) In accordance with Sec. 468.604, Florida Statutes, the Chief Building Official, under the supervision of the City Manager, shall administer, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries and jurisdiction of the City of Key West, Florida to ensure compliance with the Florida Building Code as adopted and required by Florida Statutes. and development regulations. The Chief Building Official may be provided with the assistance of such other City officers and employees as the City Manager may direct; but in no case shall assign an unlicensed staff member to perform duties that require licensure. The Building Official shall administer the City's building permitting process such that all City departments responsible for specific application reviews and/or inspections may collaborate efficiently. This shall include those departments responsible for reviewing application criteria for fire prevention and life safety, floodplain management, BPAS (the Building Permit Allocation System), zoning, land development regulations, historic district development, utilities, parking, urban forestry, roadways and traffic. The Chief Building Official shall faithfully perform these duties without interference from any person.

(b) The city planner shall have the administrative responsibility to interpret the land development regulations. The city planner shall review and evaluate any request for interpretation in light of the comprehensive plan and land development regulations, consult with the city attorney and then render an interpretation. Such interpretations shall be in writing and accompanied by review and written consent by the city attorney. All interpretations shall be sent

_____ Chairman

_____ Planner

to the applicant by email.

(c) The City Code Official. Under the supervision of the City Manager, shall enforce City Ordinances, which include the Florida Building Code by reference and the Land Development Regulations with the collaborative assistance of the Planning and Building Department staff.

(Ord. No. 97-10, § 1(1-2.2), 7-3-1997; Ord. No. 00-04, § 1, 2-1-2000)

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Section 5: This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Commerce. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DOC with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DOC can appeal the permit or

development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 16th day of October, 2025.
Authenticated by the Chairman of the Planning Board and the Planning Director.

Peter Batty, Planning Board Chair

Date

Attest:

James Singelyn, Interim Planning Director

Date

Filed with the Clerk:

Keri O'Brien, City Clerk

Date

_____ Chairman

_____ Planner