

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AMENDING SEC. 90-301. ENTITLED "*ENFORCEMENT AUTHORITY.*", ARTICLE IV. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, TO CLARIFY THE ENFORCEMENT AUTHORITY OF THE CHIEF BUILDING OFFICIAL AND THE CITY CODE OFFICIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West received the Final Report issued by 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. entitled "*Enforcement Authority.*" of the City's Land Development Regulations, to clarify the enforcement authority of the Chief Building Official and formally establish the enforcement role of the City Code Official; and

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

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

WHEREAS, strengthened collaboration among these City departments will help ensure consistent compliance with the City's Code of Ordinances, Land Development Regulations, Building Codes and other applicable regulatory standards; and

WHEREAS, in accordance with Section 90-522, the Planning Board held a noticed public hearing on August 21, 2025 to consider the recommendations of the City Planner, City Attorney, Building Official, along with other information submitted at the scheduled public hearing, at which time the Board recommended approval of the proposed amendments through Planning Board Resolution 2025- ; and

WHEREAS, the City Commission has determined, in accordance with the criteria set forth in Sections 90-520(6) and 90-521 of the City's Land Development Regulations, that the proposed amendments: are consistent with the Comprehensive Plan; are in conformance with all applicable requirements of the City's Code of Ordinances; were 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 are in the best interest of the public;

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

Section 1: That Section 90-301. *Enforcement Authority.* of the Code of Ordinances of the City of Key West, Florida is hereby amended to read as follows*:

- "(a) In accordance with Sec. 468.604, Florida Statutes, the Chief Building Official, under the supervision of the City Manager, shall administrate, 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. ~~land 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. ~~Such interpretations shall be in writing and accompanied by review and written consent by the City Attorney.~~ 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. All interpretations shall be in writing and sent 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."

*At first reading, added language is underlined; deleted language is ~~struck through~~. At second reading, added language is double-underlined and deleted language is ~~double-struck through~~.

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: That all Ordinances, or parts of Ordinances, of the City of Key West, Florida in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4. That 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.

** REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK **

Read and passed on first reading by the City Commission at
a meeting held this _____ day of ___, 2025.

Read and passed on final reading by the City Commission at a
meeting held this _____ day of ___, 2025.

Authenticated by the Presiding Officer and Clerk of the
Commission on the _____ day of _____, 2025.

Filed with the Clerk on _____, 2025.

Mayor Danise Henriquez	_____
Vice Mayor Donald "Donie" Lee	_____
Commissioner Lisette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____

Danise Henriquez, MAYOR

ATTEST:

Keri O'Brien, City Clerk