
MEMORANDUM

TO: MAYANNE DOWNS, *City Attorney, City of Key West*

FROM: BARTON W. SMITH

SUBJECT: ADMINISTRATIVE INTERPRETATION REQUEST UNDER SECTION 122-94 – ZONING MAP DETERMINATION – (HAPPY LANDINGS MARINA – 2407 N. ROOSEVELT BLVD)

DATE: MARCH 30, 2026

This memorandum is provided to address the request by City staff for an administrative interpretation under Sec. 122-94 and to clarify the proper application of the Code to the subject property.

City staff has requested an administrative interpretation pursuant to Sec. 122-94, which provides that when interpreting the official zoning maps, “When uncertainty exists as to boundaries of the districts on the official zoning map, the following rules shall apply,” and sets forth multiple rules where there are uncertainties. Two specific issues identified are (1) uncertainties or (2) excluded areas.

City staff asserts that there is an uncertainty, relying on the provision that states, “(7) Uncertainties. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or if any other uncertainty exists, the city commission shall interpret the intent of the official zoning map as to the location of district boundaries.”

In order to evaluate this assertion, the Official Zoning Map has been overlaid onto the Property Appraiser’s parcel map for the subject property, as shown in the image below. This overlay provides a clear visual comparison between the zoning boundaries and the actual parcel configuration:

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Based on the foregoing, the request for an administrative interpretation under the “uncertainty” provision of Sec. 122-94 is not supported by the record. The Official Zoning Map does not present an uncertainty. The property owner can follow the same procedure that any proper owner must follow to change the FLUM and LUD, and not circumvent the public process.