



## MEMORANDUM

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Date: August 21, 2025

To: Chairman and Planning Board Members

From: Patrick Wright  
Growth Management Director

Subject: **A request to approve the proposed text amendment to Section 90-301 entitled “*Enforcement Authority*,” in order to clarify the enforcement authority of the Chief Building Official and the City Code Official.**

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### **Introduction**

The purpose of this ordinance is to amend the City of Key West Land Development Regulations to clarify the enforcement authority of the Chief Building Official and formally define the enforcement authority of the City Code Official. The proposed language was recommended to the City of Key West by the Monroe County Spring 2025 Term Grand Jury. City staff supports the proposed text amendment as provided in Exhibit A.

### **Background**

The Monroe County Grand Jury Spring 2025 Term provided the City of Key West with twenty-seven (27) recommendations in the final report entitled “*Unbuilding Trust: The Grand Jury’s Findings on Abuse of Power in Paradise*”. These recommendations identify various aspects of city government, including the City’s organizational structure, legislative, executive, and administrative aspects, the building permit process, and current and former City officials. The proposed text amendment addresses two of the twenty-seven recommendations, specifically recommendation #19 and recommendation #21.

The proposed text amendment removes language from the Code that states the Chief Building Official shall “*administer and enforce the land development regulations*”. This existing language has caused discourse between City departments within recent years, and is not consistent with Florida Statute 468.604, which specifies, in part, that it is the responsibility of the building official to ensure compliance with the Florida Building Code and any applicable local technical amendments to the Florida Building Code. The proposed language will provide clarity to the Chief Building Official’s role in relation to the Florida Building Code and specifies the need for other applicable City departments to review and inspect construction within the City of Key West in accordance with locally adopted land use, fire-prevention, landscaping, utility, roadway, and floodplain regulations.

In addition, the proposed text amendment introduces Section 90-301(c), which formally adopts the enforcement authority of the City Code Official. The proposed language promotes a collaborative

environment with the Planning and Building Departments to ensure consistency and teamwork of enforcement of the Code of Ordinances.

### **Analysis**

The purpose of Chapter 90, Article VI, Division 2 of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") is to provide a means for changing the text of the Land Development Regulations. It is not intended to relieve hardships nor to confer special privileges or rights to any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the Planning Board and the City Commission shall consider the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-520, the Planning Board shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed change in the LDRs to the City Commission for official action.

The Code provides criteria in which Land Development Regulation amendments must be evaluated:

- a. Comprehensive plan consistency. Identifying impacts of the proposed change in zoning on the comprehensive plan. The zoning must be consistent with the comprehensive plan.**

The proposed action is consistent with the Comprehensive Plan and does not affect the zoning of any single parcel. The proposed language promotes the continued application of the Comprehensive Plan to be conducted by all relevant departments rather than by certain positions or individuals.

- b. Impact on surrounding properties and infrastructure. The effect of the change, if any, on the particular property and all surrounding properties. Potential land use incompatibility and impacts on infrastructure shall be identified.**

The proposed text amendment does not impact any particular property.

- c. Avoidance of spot zoning. The proposed change shall not constitute a spot zone change. Spot zoning occurs when:**

- 1. A small parcel of land is singled out for special and privileged treatment;**

The proposed text amendment does not affect the zoning of any specific parcel within the City.

- 2. The singling out is not in the public interest but only for the benefit of the landowner; and**

The proposed text amendment does not single out any particular property or landowner.

- 3. The action is not consistent with the adopted comprehensive plan.**

The proposed action is consistent with the Comprehensive Plan and does not single out any single property or parcel of land.

- d. Undeveloped land with similar zoning. The amount of undeveloped land in the general area and in the city having the same zoning classification as that requested.**

This proposed amendment is not associated with a particular Comprehensive Plan Future Land Use designation or specific zoning district.

**Recommendation**

Staff recommend approval of the proposed text amendment to Section 90-301 of the Land Development Regulations as provided in the attached draft ordinance.

Exhibits:

Exhibit A – Proposed Ordinance