



City of Marathon Planning Commission
Monday August 15, 2022
9805 Overseas Hwy
City Hall Council Chambers
5:30 PM

1. **Call To Order**
 2. **Pledge Of Allegiance**
 3. **Roll Call**
 4. **Minutes**
 5. **Items For Discussion**
 6. **Items For Public Hearing**
 7. **Adjournment**
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5. Items For Discussion

A Discussion Regarding The Florida Land And Recreation Grants Staff Administers Grants To Local Governments Through The Florida Recreation Development Assistance Program (FRDAP).

This Competitive, Reimbursement Grant Program Provides Financial Assistance For Acquisition Or Development Of Land For Public Outdoor Recreation. Eligible Participants Include All County Governments, Municipalities In Florida And Other Legally Constituted Local Governmental Entities With The Responsibility For Providing Outdoor Recreational Sites And Facilities For The General Public. The Projects To Be Discussed Are Demolition And Construction Of A New Skate Park, Demolition And Installation Of New Tennis Courts, And Demolition And Installation Of New Basketball Courts.

6. Items For Public Hearing

Item 1. An Ordinance By The City Of Marathon, Florida, Amending Chapter 107, Article 7 (“Signs”) By Deleting Section 107.621(F)G Which Previously Required A Photometric Study To Be Conducted For Every Digital Sign; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For An Effective Date Upon The Final Approval Of This Ordinance By The State Department Of Economic Opportunity; And Providing For Inclusion In The Code Of Ordinances.



**City of Marathon Planning Commission
Monday July 18, 2022
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Sexton called the meeting of the Planning Commission to order on Monday, July 18, 2022, at 5:30 pm.

In attendance: Planning Director Brian Shea, Planner Erin Dafoe, Attorney Steve Williams, Grants Coordinator Maria Covelli, Admin Assistant Lorie Mullins, and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-absent; Matt Sexton-present; Malloy Pinto-present; Mary Ann Royse-present; Lynn Landry-absent.

There was not a quorum to vote on the minutes from the June meeting, so it was postponed till the August meeting.

Maria Covelli presented a community development block grant that the city has applied for. The grant is available through the Department of Economic Opportunity. There was no discussion.

The quasi-judicial statement was read into the record.

Item 1 was read into the record.

1. Consideration Of A Request By Skocean LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of An Outdoor Boat Trailer Storage Yard Located At 8151 Overseas Highway; Which Is Legally Described As Block 3 Lots 1, 2, 3, and 45 Lida Subdivision First Addition, Key Vaca PB4-103, Monroe County, Florida, Having Real Estate Number 00348171-000000. Nearest Mile Marker 51.

Dafoe presented the item.

There was a brief discussion about the elevation of the racks, buffers, open air vs. enclosed space, hurricane plan.

Mike Card, the applicant, responded to the questions.

An image of the proposed rack was presented to the Commission and staff and is attached to these minutes.

There were no public speakers.

Royse moved to approve the item. Sexton seconded. The roll was called. The item was approved 3-0.

Items 2 and 3 were read into the record together.

2. An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Recreation (R) For Property Described As Waloriss Sub PB3-113 (Park), Having Real Estate Number 00354681-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

3. An Ordinance Of The City Of Marathon Florida Amending The Zoning From Residential Medium (RM) To Parks and Recreation (PR) For Property Described As Waloriss Sub PB3-113 (Park), Having Real Estate Number 00354681-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Shea presented the items as 'clean up' items.

Pinto moved to approve Item 2. Sexton seconded. The roll was called. The item was approved 3-0.

Royse moved to approve Item 3. Sexton seconded. The roll was called. The item was approved 3-0.

Item 4 was read into the record.

4. An Ordinance Of The City Council Of The City Of Marathon, Florida, Amending Chapter 102 "Development Application Review Procedures", Article 6 "Comprehensive Plan Amendment", Amending Figure 102.22.1 "Comprehensive Plan Amendment Review Process", And Article 7 "Land Development Text Amendment", Amending Figure 102.28.1 "Land Development Regulation Text Amendment Process", And Article 11 "Rezoning", Amending Figure 102.62.1 "Rezoning Review Process", And Article 13 "Conditional Use", Amending Figure 102.80.1 "Conditional Use Permit Review Process", And Article 17 "Appeals", Amending Figure 102.98.1 "Appeals Review Process", And Article 18 "Beneficial Use Determinations", Amending Figure 102.104.1 "Beneficial Use Determinations Process", And Article 19 "Vested Rights Determinations", Amending Figure 102.112.1 "Vested Rights Determinations", And Article 18 "Beneficial Use Determinations", Amending Section 102.104 "Final Determination By Council", And Article 19 "Vested Rights Determinations", Amending Section 102.110 "Final Determination"; And Amending Chapter 110 "Definitions", Article 2 "Acronyms"; To Update Language Pertaining To The Obsolete Department Of Community Affairs (DCA) To Reflect The Current Department Of Economic Opportunity (DEO); Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Economic Opportunity In Accordance With State Law.

Shea presented the item as a 'clean up' item, removing all references to DCA and replacing with current DEO.

Royse moved to approve the item. Sexton seconded. The roll was called. The item was approved 3-0.

Motion to adjourn approved at 5:51 p.m.

ATTEST:

Matt Sexton – Planning Commission Vice Chairman

ATTEST:

Lorie Mullins-Admin Assistant
City of Marathon Planning Department

Audio-Video is available upon request.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the Planning Commission Meeting due to disability should contact the City of Marathon at (305-) 743-0033 at least two days prior thereto.

(Please note that one or more Marathon City Council members may participate in the meeting.)



PLANNING COMMISSION AGENDA STATEMENT



Meeting Date: August 15, 2022

From: City Manager

An Ordinance By The City Of Marathon, Florida, Amending Chapter 107, Article 7 (“Signs”) By Deleting Section 107.621(F)G Which Previously Required A Photometric Study To Be Conducted For Every Digital Sign; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For An Effective Date Upon The Final Approval Of This Ordinance By The State Department Of Economic Opportunity; And Providing For Inclusion In The Code Of Ordinances.

RECOMMENDATION:

Staff recommends APPROVAL

REQUEST:

On March 8, 2022, the Marathon City Council enacted Ordinance 2022-02 which repealed the previously enacted sign code and replaced it with one that comports with current constitutional constraints, however during the council meeting it was agreed upon that Section 107.621(f)g should be stricken from the final ordinance. However, the ordinance was transmitted without making this change, so a new ordinance is necessary to correct this error.

AUTHORITY:

Section 102.26. Planning Commission Recommendation.

- A. *Authority:* The PC shall consider a proposed text amendment at the request of the Council.
- B. *Review Criteria:* The PC shall review such proposed amendment, based upon the criteria listed below:
1. The need and justification for the change;
 2. The consistency of the proposed amendment with the Comprehensive Plan; and
 3. Whether the proposed change shall further the purposes of the LDRs, and other City Codes, regulation and actions designed to implement the Comprehensive Plan.
- C. *Findings:* The PC shall make a finding of whether the proposed amendment is consistent with the Comprehensive Plan and a recommendation shall be prepared and forwarded to the Council, indicating if the proposed amendment should be:
1. Approved as proposed;
 2. Approved with amendments proposed by the PC; or
 3. Denied

Section 102.27. Hearing(s) by Council

- A. The decision to process a text amendment is within the sole discretion of the Council.
- B. For any proposed text amendment, the Council shall hold a minimum of two (2) public hearings, conforming to the requirements of Fla. Stat. Ch. 166, before acting on the amendment.

Section 102.28. Action by Council.

Following the public hearings, the Council shall make a finding of whether the proposed text amendment is consistent with the Comprehensive Plan and may approve, approve with changes, or deny the proposed amendment.

ANALYSIS OF LAND DEVELOPMENT REGULATION TEXT AMENDMENTS:

Section 102.26(B) of the Land Development Regulations requires that the following standards and criteria be considered for any proposed text amendment. Each criteria and explanation of relevance to this proposed amendment are listed below:

A. The need and justification for the change;

The Planning Commission already approved the original ordinance, however this section was added in error, so this new ordinance is necessary to correct the error.

B. The consistency of the proposed amendment with the Comprehensive Plan; and

This Ordinance is consistent with the goals, objectives or policies identified in the Comprehensive Plan.

C. Whether the proposed change shall further the purposes of the LDRs, and other City Codes, regulations and actions designed to implement the Comprehensive Plan.

The proposed changes further the goals of the Comprehensive Plan, LDRs, and support the intent of other Components of the City's Code of Ordinances.

CONCLUSION:

Staff indicates that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

RECOMMENDATION:

Staff recommends APPROVAL.