



**City of Marathon Planning Commission  
Monday February 26, 2024  
9805 Overseas Hwy  
City Hall Council Chambers**

**MINUTES**

Royse called the meeting of the Planning Commission to order on Monday February 26, 2024, at 5:30 pm.

In attendance: Planning Director Brian Shea, Attorney Steve Williams, Planner Erin Dafoe, Admin Assistant Lorie Mullins, City Manager George Garrett, and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mark Senmartin-present; Mary Ann Royse-present; Mike Cinque-absent; Andrew George-present; Matt Sexton-absent.

Royse called for an approval of the Minutes from the last meeting. Senmartin moved to approve. Royse seconded. The motion was approved 3-0.

The quasi-judicial statement was read into the record.

**Item 1** was read into the record: Consideration Of A Request By Uphoff Investments 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 Twelve (12) Residential Units And Accessory Structures; Located At 12640 Overseas Highway Which Is Legally Described As Section 5 Township 66 Range 33 Fat Deer Key Part Lots 1-2, Monroe County, Florida, Having Real Estate Numbers 00100260-000000. Nearest Mile Marker 53.

Royse asked for exparte communications. Senmartin spoke with Mr. Hurley and said it would not affect his decision.

Erin Dafoe presented the item with the use of visual aids.

Steve Hurley presented the item on behalf of the applicant.

Royse asked about guest parking, which would be located at each unit and in the boat trailer parking area.

Senmartin moved to approve the item. George seconded. The roll was called. The item was approved 3-0.

**Item 2** was read into the record: An Ordinance Of The City Of Marathon, Florida; Creating Chapter 107, Article 15, "Lighting"; Providing Criteria For Both Residential And Commercial Lighting Standards; Amending Chapter 110 Definitions; Providing For Severability; Providing For The Repeal Of Conflicting

Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Commerce After Final Adoption By The City Council; And Providing For An Effective Date.

Shea presented the item. The item started as a workshop; the use of the City of Sanibel's lighting ordinance was tweaked to fit the City of Marathon.

Senmartin started a discussion regarding a time limit for compliance, enforcement, cost of permits for retrofitting to comply, and first/second/third floor lighting.

After discussion Senmartin moved to approve the item with the additional recommendations of:

1. a 3-year time limit to comply.
2. Possible fee schedule for permits.
3. Adding functional equivalent for multiple stories.
4. Add excluding landscape lighting.

Royse seconded. The item was approved 3-0.

**Item 3** was read into the record: An Ordinance Of The City Of Marathon, Florida, Amending Chapter 103 "Zoning Districts," Article 3 "Use And Intensity Tables", "Standards," 103.15 "Standards", And Chapter 110, "Definitions," Article 3, "Defined Terms;" Modifying Accessory Structures And Accessory Uses; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

Shea presented the item.

Senmartin started the discussion regarding the justification for the change.

Senmartin moved to deny the item. Royse seconded. The roll was called. The item fails 2-1.

**Item 4** was read into the record: An Ordinance By The City Of Marathon, Florida, Amending Chapter 101, Article 3 ("Planning Commission") By Amending Section 101.04 Titled "General" To Delete A Portion Regarding A Mailing List; 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 Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea presented the item as a clean-up item.

Senmartin moved to approve the item. Royse seconded. The roll was called. The item passed 3-0.

**Item 5** was read into the record: An Ordinance By The City Of Marathon, Florida, Amending Chapter 104, Article 1 ("General Provisions") By Deleting A Portion Of Section 104.66 Titled "Wireless Services Facilities ("WSFS")"; Specifically, Subsection G Part 4 To Comport With Modern Constitutional Constraints; 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 Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea presented the item as a clean-up time.

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

**Item 6** was read into the record: An Ordinance By The City Of Marathon, Florida, Amending Chapter 107, Article 13 (“Concurrency Management”) By Amending Section 107.113 Titled “Enforcement” To Clarify The Penalties; 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 Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea presented the item as a clean-up item.

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

Motion and second to adjourn at 6:17pm.

ATTEST:

  
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MaryAnn Royse-Planning Commissioner Chair

ATTEST:

  
\_\_\_\_\_  
Lorie Mullins-Admin Assistant  
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.)**