

AGENDA

PLANNING COMMISSION SPECIAL MEETING-LDC UPDATE
MONROE COUNTY
April 23, 2015
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL 33050

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Denise Werling, Chairman
William Wiatt
Elizabeth Lustberg
Ron Miller
Beth Ramsay-Vickrey

STAFF:

Mayte Santamaria, Sr. Director of Planning and Environmental Resources
Steve Williams, Assistant County Attorney
John Wolfe, Planning Commission Counsel
Mike Roberts, Sr. Administrator, Environmental Resources
Rey Ortiz, Planning & Biological Plans Examiner Supervisor
Tiffany Stankiewicz, Development Administrator
Emily Schemper, Comprehensive Planning Manager
Matt Coyle, Sr. Planner
Barbara Bauman, Planner
Gail Creech, Sr. Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

-

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

-

SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

-

MEETING

Presentation:

Presentation by Keith & Schnars of draft Land Development Code Updates to implement the updated goals, objectives and policies of

the proposed 2030 Comprehensive Plan (EAR-based Comprehensive Plan amendments); streamline and simplify processes; address internal inconsistencies; and provide greater clarity for both staff implementation and public utilization. Documents can be reviewed on the project website at www.keyscompplan.com.

Keith & Schnars presentation of the following:

- Chapter 126 IMPACT FEES
- Chapter 135 ~~RESERVED~~ HISTORIC AND CULTURAL RESOURCES
- Chapter 139 ~~RESERVED~~ AFFORDABLE AND EMPLOYEE HOUSING
- Chapter 142 SIGNS
- Chapter 146 WIRELESS COMMUNICATIONS FACILITIES
- Chapter 101 GENERAL PROVISIONS (definitions)

EXHIBITS FROM PUBLIC:

- [Exhibit - Putney - Definitions.PDF](#)
- [Exhibit - Schultz - Signage.PDF](#)

Pursuant to Section 286.0105 Florida Statutes and Monroe County Resolution 131-1992, if a person decides to appeal any decision of the Planning Commission, he or she shall provide a transcript of the hearing before the Planning Commission, prepared by a certified court reporter at the appellant's expense. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

- BOARD DISCUSSION

- GROWTH MANAGEMENT COMMENTS

- RESOLUTIONS FOR SIGNATURE

ADJOURNMENT

Monroe County Comprehensive Plan Update



Monroe County Comprehensive Plan 2010 – 2030

Welcome to the Monroe County Comprehensive Plan Update Website. The purpose of this website is to provide Monroe County residents and stakeholders a comprehensive source of information about the many components of the Plan update.

The updated Comprehensive Plan will provide the roadway for how the County will address growth issues for the next twenty years. The 2010 – 2030 Comprehensive Plan Update is an undertaking that will rely heavily upon public participation throughout the nearly four-year process. This website is just one way of obtaining input from you, the ultimate recipient of the Plan. Your input will help determine how the County will grow.

Please take an opportunity to review the site and provide us with your feedback! You will notice that we have made it easy for each visitor to stay in touch with us by providing an area where you may make comments on the Plan Update, as well as sign up for future updates as they occur. Please visit again and should you have any questions, our project team will be happy to contact you.

Facts, Information, & Resources

- [Land Development Code Documents](#)
- [Learn more about the project team](#)
- [Comprehensive Plan Documents](#)
- [Planning Framework](#)

Meetings & Updates



Upcoming Event

The Planning Commission (PC) will be reviewing chapters of the Land Development Code (LDC)
 Meeting 1: Date: Thursday, March 19, 2015 Time: 10:00 a.m. Location: Marathon Government Center (2nd floor Commission Chambers) 2798 Overseas Highway Marathon, FL
 Meeting 2: Date: Thursday, April 9, 2015 Time: 10:00 a.m. Location: Marathon Government Center (2nd floor Commission Chambers) 2798 Overseas Highway Marathon, FL
 Meeting 3: Date: Thursday, April 23, 2015 Time: 10:00 a.m. Location: Marathon Government Center (2nd floor Commission Chambers) 2798 Overseas Highway Marathon, FL
 The chapters and review order can be found here: <http://keyscompplan.com/facts-information-resources/land-development-code-documents/>

Alicia Putney's Remarks Regarding the
Land Development Code
Monroe County Planning Commission - Special Meeting
April 23, 2015 – Marathon: 10:00 AM

G. Chapter 101: GENERAL PROVISIONS (DEFINITIONS) (TAB G)

Comments/Questions:

There are two definitions to the words: “Moor,” “Mooring” and “Mooring Facility.” One is the definition that one might find in a Webster Dictionary. The other is the more traditional definition, which is commonly used by sailors.

In sailing terms, a “mooring” is not the same as a securing a vessel to a dock, or davits, or an anchor.

In sailing terms, a “mooring” is a permanent anchor or weight on the bottom, connected by chain to a buoy having a pennant. (In practice a boat simply picks up the pennant and makes it fast to a cleat at the bow. A “mooring” is usually much more secure than an anchor and is safe with a shorter scope making it possible to secure boats closer to each other. It is also less destructive to the bottom.)

There needs to be a distinction between “dock” and “docking facility” which reflects being secure to something rigid or something floating which is attached to something rigid; and, “mooring” or “mooring field”, which reflects being secured to a pennant which is attached to a buoy which is connected by chain to an anchor or weight on the bottom.

We recommend adding one additional definition, “Mooring Field”, to the definition section of the code. And, would also ask staff to re-examine the following four definitions to make sure they say what is intended.

Currently proposed definitions:

1. Dock or docking facility means a fixed or floating structure built and used for the landing, berthing, and/or mooring of vessels or watercraft either temporarily or indefinitely. ~~Docking facilities include, but are not limited to, wharves, piers, quays, slips, basins, ramps, posts, cleats, davits, piles or any other appurtenances or attachment thereto.~~ For the purposes of this land development code, docks shall not include "water access walkways" as defined in this section.

2. Docking facilities include, but are not limited to, docks, wharves, piers, quays, slips, basins, ramps, posts, cleats, davits, piles or any other appurtenances or attachment thereto.

3. Marina means a facility for the storage (wet and dry), launching and mooring of vessels and/or live-aboard vessels, ~~boats~~ together with accessory retail and/or service uses, including but not limited to commercial retail, restaurants and live-

boards, vessel rentals, charter vessels, boat, vessel repair, and sport diving operations and the provision of fuel. uses, except where prohibited, but The term marina does not including docks accessory to a land-based dwelling unit limited to the use of owners or occupants of the dwelling unit.

4. Mooring Facilities means a structure built and used for the mooring of vessels or watercraft.

Comments/Questions:

Can a “mooring field” become a “marina” if the moorings are rented out to independently owned vessels, whether they are transient or permanent? Is a marina without fuel pumps a marina?

Comments/Questions:

Additionally, there is no definition to either “mooring” or “mooring system” Chapter 26 – Sec 26-1 Waterways, in spite of the fact that these terms are used throughout chapter 26.

The whole of Article II Sections 26- 23 through 26-40 is devoted to *mooring fields*. There is a definition of “mooring field” in Chapter 26, which states:

“*Mooring Field*” means areas in and adjacent to the county installed mooring systems, including designated anchoring areas. These areas may include both county and state owned submerged lands, but shall exclude privately owned submerged lands. The delineation, implementation and management of county mooring fields shall be approved by the state.

Comments/Questions:

Chapter 26, the Waterways section of the code does not deal with upland uses associated with mooring fields. This makes sense; but, the failure to mention the upland uses associated with mooring fields in the Land Development section of the code does not make sense.

What governs the use of land for parking areas, docking facilities for dinghys, dumping of garbage, etc.?

Comments/Questions:

“Mooring Slips” is used in the code and is not defined. In point of fact, the term is an oxymoron.

Comments/Questions:

“Pier Dock” is used in the code and is not defined. In point of fact, the term makes no sense because a pier is a dock.

Elizabeth Schultz d/b/a
SeaPalms Gift Shop & Nursery
51 Dobie Street
Summerland Key, FL 33042
Tel. # (305) 745-3981

Date: April 23, 2015

To: Planning Commissioner Elizabeth Lustberg
Planning Commissioner Ramsay Vickery
Planning Commissioner Denise Werling
Planning Commissioner Ronald Miller

I am writing you about what I feel are Monroe County's overly restrictive signage codes and laws. I own SeaPalms Gift Shop & Nursery at 51 Dobie Street on the corner of U.S. 1 and Dobie at the southern end of Summerland Key where U.S. 1 is rising up to meet the bridge which means my property is about 6' below U.S. 1. My entrance is on Dobie Street about 30' back from U.S. 1. I desperately need an A-Frame sign again stating that I am OPEN! to be placed within view of people driving down U.S. 1 because they don't even see my open gate driving by at 45 - 50 mph.

Although I do have 180' on U.S. 1 and a legally permitted ground mounted sign, it is not a large sign nor can I afford to purchase a new larger ground mounted sign which would require a new larger sign structure to be built costing around \$12,000. I paid Signs by Renee over \$1,200 for the new actual signage and Marathon and Electric Sign & Light was paid almost \$900 to do the physical installation in late 2013.

I cannot afford to advertise with ads in the Free Press (2" x 2" @ \$67.00 per ad) or the Key West Citizen (3.266" x 2" @ \$116.00 per ad). I am currently advertising in the Key Noter with a small business card sized color ad each Saturday at a cost of \$38.00 per ad which I am paying for out of my own pocket since SeaPalms does not have the money to pay for it. I do not think it is very effective.

You won't allow "A" frame signs anymore even though I had one in 2011 (Permit #11101212 which was issued 3/17/2011). A few businesses evidently have been grandfathered in but I and other business were not allowed to renew more recent permits after 2011. There is nothing offensive about an "A" frame sign if it is professionally or artistically done and approved by the sign inspector.

I foolishly had colored cloth triangular banner pennants installed to try to attract more business without first checking to see if code allowed it. I was advised by Code Compliance that they had to come down which I have complied with. They were not tacky looking and I didn't see anyone being offended by them. Since they were not plastic, they are biodegradable and can do no harm to anything during a storm. All of my neighbors and many customers commented positively about them and how nice they looked. I don't understand why this ban is in place and hope that you can explain it to me or reconsider lifting this ban.

I am not attracting customers. I am not even breaking even. I am supporting this business because I believe in its future. Due to your restrictive signage codes and laws, you are not only hurting small businesses but you are hurting the county itself because all of the businesses losing

money due to the signage codes means the county is not collecting as much of the discretionary sales surtax as it could. Monroe County's share of the discretionary sales tax SeaPalms paid to the Florida Department of Revenue was \$39.03 for the first quarter of 2015 which is the highest time of the season and traditionally my best sales time yet I only made \$2,602 for the entire first quarter. In contrast, my gross revenues for the second quarter of 2011 when I had the permitted A-Frame sign were \$7,326.30 and Monroe County's share of the discretionary sales tax paid to the Florida Department of Revenue was \$109.89 for that period in 2011.

I am enclosing a copy of page 1, page 12, page 13 and page 25 of Islamorada, Village of Islands Ordinance No. 15-01 showing that they are now allowing permitted A-Frame signs which was passed on January 8, 2015. The link to the entire ordinance is online at:

<http://www.islamorada.fl.us/newsmanager/userfiles/file/Ordinances/15-01.pdf>

I am also enclosing some E-mails from local business who were unable to be at the meeting today who would like to see changes with Monroe County's signage codes and laws as well.

Please consider changing unincorporated Monroe County's signage codes and laws to reflect what Islamorada is doing and change your current signage laws to include A-Frame signs. Additionally, could you reconsider your ban on colored cloth triangular banner pennants. Thank you for your attention to my requests.

Sincerely,



Elizabeth Schultz

ORDINANCE NO. 15-01

AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE II "RULES OF CONSTRUCTION AND DEFINITIONS", TO AMEND CERTAIN DEFINITIONS RELATED TO REGULATION OF SIGNS WITHIN THE VILLAGE; AMENDING ARTICLE VI "SPECIFIC USE RESTRICTIONS," DIVISION 10 "SIGNS", TO AMEND AND CLARIFY REGULATIONS OF TEMPORARY AND PERMANENT SIGNS; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY

WHEREAS, Islamorada, Village of Islands (the "Village") has adopted a comprehensive set of Land Development Regulations (the "LDRs") to implement the Village Comprehensive Plan (the "Comprehensive Plan"); and

WHEREAS, the Comprehensive Plan contains Objective 1-1.2 and Policies 1-1.2.1, 1-1.2.2, and 1-1.2.3 related to reinforcing and enhancing the Village's community appearance; and

WHEREAS, sign regulations that advance the governmental purpose of aesthetics have long been upheld by the state and federal courts; and

WHEREAS, based on a review of recent legal authority and upon the direction of the Village Council, Village staff has developed proposed revisions to the Village's sign regulations within Code Chapter 30, Article VI "Specific Use Restrictions," Division 10 "Signs" (the "sign regulations"), in order to update standards and procedures regarding temporary signs, and to clarify regulations concerning permanent signs; and

~~providing advertisement of products, conveying messages or directing people to a business or activity located on the same or any other premises. This is not intended to prohibit a permanently attached or magnetic sign on a functional, licensed vehicle, trailer or boat having the primary purpose to identify the vehicle with the business it serves, as long as it does not exceed a total signage of 12 square feet.~~

~~(911) Portable signs, except as permitted under sections 30-1432(j) and 30-1433(1) if not specifically permitted by this division.~~

~~(102) Roof signs, except as provided for in Code Section 30-1436.~~

~~(143) Snipe signs, except "posted property" signs.~~

~~(124) Signs that create traffic hazards.~~

~~(13) Business signs posted on residentially zoned properties, unless otherwise permitted.~~

~~(15) Any sign not prescribed as a permitted sign, and permitted signs only to the extent allowed by this division.~~

(ij) *Dangerous and defective signs.* No person shall allow any sign which is determined by the building official to be in a dangerous, defective, or dilapidated condition to remain on any premises owned or controlled by him. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this division.

(jk) *Signs not requiring permit.* The following do not require a permit but still are subject to the provisions of this division:

(1) A-frame signs. Every nonresidential developed parcel of land shall be permitted one

(1) A-frame sign provided all of the following criteria are met:

1. The sign shall registration with the Village with a fee as shall be established by Resolution of the Village Council and the sign shall be registered and or renewed annually with the Department of Planning and Development Services by October 1 of each year;
2. The sign permit number shall be permanently affixed to the sign in a plainly visible manner;
3. The sign shall be a minimum of six (6) square feet and maximum of nine (9) square feet per face;
4. The sign shall not exceed four (4) feet in height, exclusive of the sign legs that shall be no more than six (6) inches in height;
5. The sign shall be of an A-frame type construction, with only two (2) sign faces that are joined at the top and no wider than four (4) feet at the base;
6. The sign shall be professionally constructed of a durable material including but not limited to aluminum, cast metal, molded plastic, PVC, recycled plastic, lumber, metal, wood or other similar materials.

6. No additional attachments shall be permitted to the sign;
7. The sign shall be adequately weighted to prevent collapse or floatation; however, the sign shall remain portable and not permanently affixed to the ground;
8. The sign shall not be illuminated, animated, electrically powered in any way or have any electric devices attached thereto;
9. The sign shall only be displayed during the sign owner's business hours and shall be stored indoors when the business is not open, during tropical storm/hurricane watches and warnings, and other severe weather advisories;
10. The sign shall be located on a private parcel of land and identify a business on that same private parcel of land. The sign shall not be located in a clear sight triangle or any Village or State right-of-way; and
11. Each parcel shall be permitted to have one (1) sign per legally established business; however, in cases where a parcel contains multiple businesses, no one parcel have more than three (3) a-frame signs regardless of the number of legally established businesses on the parcel. The a-frame sign shall not count towards ground-mounted or wall-mounted signage.

~~(12) Business affiliation and law enforcement signs: Signs displayed upon the premises denoting professional and trade associations with which the occupant is affiliated, and including but not limited to forms of payment accepted by the occupant, and other signs pertaining to public safety and law enforcement, provided the total sign area of all such signs does not exceed four square feet.~~

~~(23) Business information signs: Signs providing information to customers such as business hours, telephone number, "open" or "closed", "shirts and shoes required", "no soliciting", "help wanted" and "no loitering", provided that such signs are posted on or near the entrance doors and the total sign area of all such signs does not exceed four square feet.~~

(4) Commemorative plaques-provided no plaque exceeds 16 square feet per face.

(5) Construction sign provided the sign does not exceed 24 square feet, does not exceed eight feet in height, is not installed until a building permit is issued and is removed within 14 days of the issuance of the certificate of occupancy or the final inspection if no certificate of occupancy is required.

(6) Directional signs provided the signs do not exceed four square feet per sign face.

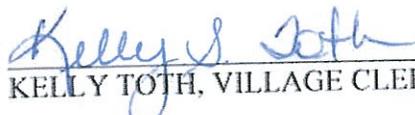
(7) Directory sign: For multi- business-centers, directory signs shall be permitted provided that no directory sign shall exceed eight square feet nor be visible from any right-of-way.

PASSED AND ADOPTED on the second reading this 8th day of January, 2015.



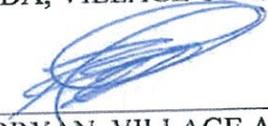
MIKE FORSTER, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY

Subject: sign near road

From: Ginger Viele (gingersnips@att.net)

To: seapalmsnursery@att.net;

Date: Wednesday, April 22, 2015 2:28 PM

To Whom It May Concern:

I was told to take down my A frame small sign and I have lost 1/3 of my business since I have taken it down.

My business is 37 Ships Way and we are off of US 1, without the sign no one knows we are here.

Please let me advertise my small business, and let me put my small A frame sign back up.

Thank You,
Ginger Viele,
Ginger Snips Hair Design

Subject: Fwd: A frame signs
From: bigpinekayak@aol.com (bigpinekayak@aol.com)
To: seapalmsnursery@att.net;
Date: Wednesday, April 22, 2015 12:17 PM

Sent from my iPhone

Begin forwarded message:

From: bigpinekayak@aol.com
Date: April 22, 2015 at 12:11:24 PM EDT
To: "seapalmsnursery@att.net" <seapalmsnursery@att.net>
Subject: A frame signs

Lisa,
Thanks for your call today about the A frame sign issue.
Signage is a vitally important aspect of doing business here in Monroe County and I believe that Islamorada has the right idea and approach for a good solution.
I agree that we should model our A frame ordinance after theirs .

Regards
Bill Keogh
Big Pine Kayak Adventures.
305-872-7474
Sent from my iPhone