

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • FEBRUARY 5, 2018

City Commission Chamber

BOPA Regular Meeting

6:30 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448



City Commission Chamber
City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

PLANNING & APPEALS BOARD MEMBERS

Chairman

Mike Myer

Board Member

Arthur Cappuccio

Board Member

Jim Legary

Board Member

Arthur W. Morris

Board Member

Robin D. Hanger

CITY PLANNER

Brian Walker

Building & Zoning

Liz Nelson

1. CALL TO ORDER**2. INVOCATION****3. PLEDGE OF ALLEGIANCE****4. BOPA MINUTES APPROVAL****1. Minutes of August**

(Requested by Elizabeth Nelson, Board of Planning and Appeals)

5. AGENDA ITEM(S)

1. Land Development Regulations Text Amendment Consider Adoption of an Ordinance Amending Division 15 Redevelopment District Overlay Sections 114-634 Special Exceptions, and 114-635 Prohibited Uses, Creating Sections 114-708 and 114-709, and Amending Sections 114-444, 114-594, 114-696 and 78-14 of the Land Development Regulations

(Requested by Brian Walker, Board of Planning and Appeals)

6. OLD BUSINESS**7. BOARD/STAFF COMMUNICATIONS****8. ADJOURNMENT**

Website Address – www.hollyhillfl.org (City Clerk)

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/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. The City does not prepare or provide such a record.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 248-9441



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Commission proceedings should contact the City Clerk's Office no later than three (3) days prior to the proceedings.



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: February 5, 2018
FROM: Elizabeth Nelson
SUBJECT: Minutes of August
NUMBER: (ID # 1797)
APPLICANT:
PLANNER:

DISCUSSION: Approve August 7, 2017 BOPA Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve August 7, 2017 Minutes

COMMISSION GOAL: N/A

MOTION: As determined by the BOPA

- August 7, 2017 Minutes (PDF)



CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES • AUGUST 7, 2017

City Commission Chamber

BOPA Regular Meeting

6:30 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Mike Myer	Chairman	Present	
Jim Legary	Board Member	Present	
Robin D. Hanger	Board Member	Excused	
Arthur Cappuccio	Board Member	Present	
Arthur W. Morris	Board Member	Present	

2. INVOCATION

Invocation was led by Chairman Mike Myer.

3. PLEDGE OF ALLEGIANCE

Art Cappuccio led us in the Pledge of Allegiance.

4. BOPA MINUTES APPROVAL

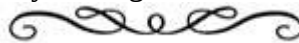
1.

Minutes of June 5, 2017 BOPA Meeting

(Requested by Elizabeth Nelson, Board of Planning and Appeals)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jim Legary, Board Member
SECONDER:	Arthur Cappuccio, Board Member
AYES:	Myer, Legary, Cappuccio, Morris

Enacted and approved this 7th day of August, 2017, in Holly Hill



5. AGENDA ITEM(S)

1.

Attachment: August 7, 2017 Minutes (1797 : Minutes of August 7, 2017)

Request for a Variance of 6.5 Feet from the Minimum Lot Width of 60 Feet in the R-3 Zoning District to Permit a Lot Width of 53.5 Feet and a Variance of 222 Square Feet from the Minimum Lot Area of 6,000 Square Feet to Permit a Lot of 5,778 Square Feet.

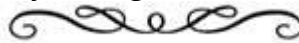
(Requested by Thomas Harowski, Board of Planning and Appeals)

City Planner Tom Harowski, summarized his staff report stating that the applicant is seeking a variance of 6.5 feet from the required lot width of 60 feet and a variance of 222 square feet from the minimum lot area of 6,000square feet to permit a subdivision of a residential lot from the existing parcel located at 839 Center Avenue. The applicant desires to create an additional lot by separating a parcel from the master parcel. In order to recommend a variance the Board of Planning and Appeals must find that the case meets specific criteria. Staff does not believe the application meets the test for criteria and does not recommend approval of the variance.

Chris Gay, 1204 Harbour Point Drive, Port Orange, Florida, applicant stated that he bought the property as a rental investment. That he would like to build another rental home on the new parcel. He further stated that he would also like to remove the existing structure and have a duplex built on the site. He was informed by Mr. Harowski, that the R-3 zoning does not allow for duplex's.

RESULT:	DO NOT RECOMMEND APPROVAL TO CITY COMMISSION [UNANIMOUS]
MOVER:	Jim Legary, Board Member
SECONDER:	Arthur W. Morris, Board Member
AYES:	Myer, Legary, Cappuccio, Morris

Enacted and approved this 7th day of August, 2017, in Holly Hill



2.

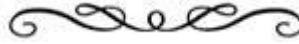
Comprehensive Plan Review Submittal Report to Florida Department of Economic Opportunity Stating Intent to Conduct a Review and Evaluation of the Currently Adopted Comprehensive Plan.

(Requested by Thomas Harowski, Board of Planning and Appeals)

Tom Harowski, City Planner summarized his staff report, stating that every seven years local governments are required to conduct a review of their adopted comp plan to determine if revisions are needed as a result of changed conditions or changed in the law. Staff recommends the Board recommend the City Commission transmit the report and a cover letter to the Florida Department of Economic Opportunity.

RESULT:	RECOMMEND APPROVAL TO CITY COMMISSION [UNANIMOUS]
MOVER:	Jim Legary, Board Member
SECONDER:	Arthur W. Morris, Board Member
AYES:	Myer, Legary, Cappuccio, Morris

Enacted and approved this 7th day of August, 2017, in Holly Hill



6. **OLD BUSINESS**

None

7. **BOARD/STAFF COMMUNICATIONS**

None

8. **ADJOURNMENT**

This meeting adjourned at 7:50 PM



**STAFF REPORT
CITY OF HOLLY HILL, FLORIDA**

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: February 5, 2018
FROM: Brian Walker
SUBJECT: Land Development Regulations Text Amendment Consider
Adoption of an Ordinance Amending Division 15
Redevelopment District Overlay Sections 114-634 Special
Exceptions, and 114-635 Prohibited Uses, Creating Sections
114-708 and 114-709, and Amending Sections 114-444, 114-
594, 114-696 and 78-14 of the Land Development Regulations
NUMBER: (ID # 1865)
APPLICANT: N/A
PLANNER: Brian Walker

INTRODUCTION:

Consider Adoption of an Ordinance Amending Division 15 Redevelopment District Overlay sections 114-634 Special Exceptions, and 114-635 Prohibited Uses, creating sections 114-708 and 114-709, and amending sections 78-14, 114-444, 114-594, and 114-696 of the Land Development Regulations, removing tattoo parlors, laboratories, mini-warehouses and warehousing and distribution facilities as prohibited uses in the Redevelopment District Overlay and establishing them as uses permitted by Special Exception and to create associated terms and conditions.

DISCUSSION:

The Redevelopment District Overlay, hereinafter called the Overlay, was established by Ordinance 2721, and adopted by the City Commission on April 26, 2005. The purpose of the Overlay is to promote redevelopment of property, provide for parking and storm-water standards, and a compatibility of land uses within the district to enhance the US 1 (Ridgewood Avenue) and LPGA Boulevard corridor.

Currently the Overlay creates restrictions that prevent certain types of businesses from being established along US1 (Ridgewood Avenue) and LPGA Boulevard. Tattoo parlors, laboratories, mini-warehouses and warehousing and distribution facilities are listed among those uses which are prohibited.

The Overlay has been in place for over 12 years, and based on community feedback, the needs of the business community within the Overlay have changed. In response to the area's changing business environment and feedback from the community, the City Commission held a work session on September 18, 2017. The purpose of the work session was to discuss facilitating redevelopment and economic opportunity by enhancing business flexibility within the Overlay. The Commission discussed allowing certain prohibited uses as special exception uses along US1 (Ridgewood Avenue) and LPGA Boulevard.

The proposed Ordinance amends Division 15 Redevelopment District Overlay Sections 114-634 Special Exceptions, and 114-635 Prohibited Uses, by removing tattoo parlors, laboratories, mini-warehouses and warehousing and distribution facilities from the list of prohibited uses and allowing them as uses permitted if approved by Special Exception. The Ordinance also creates sections 114-708 and 114-709 creating Special Exception conditions, amends sections 78-14, 114-444, 114-594, and 114-696 of the Land Development Regulations to add language and create terms and definitions.

FISCAL ANALYSIS:

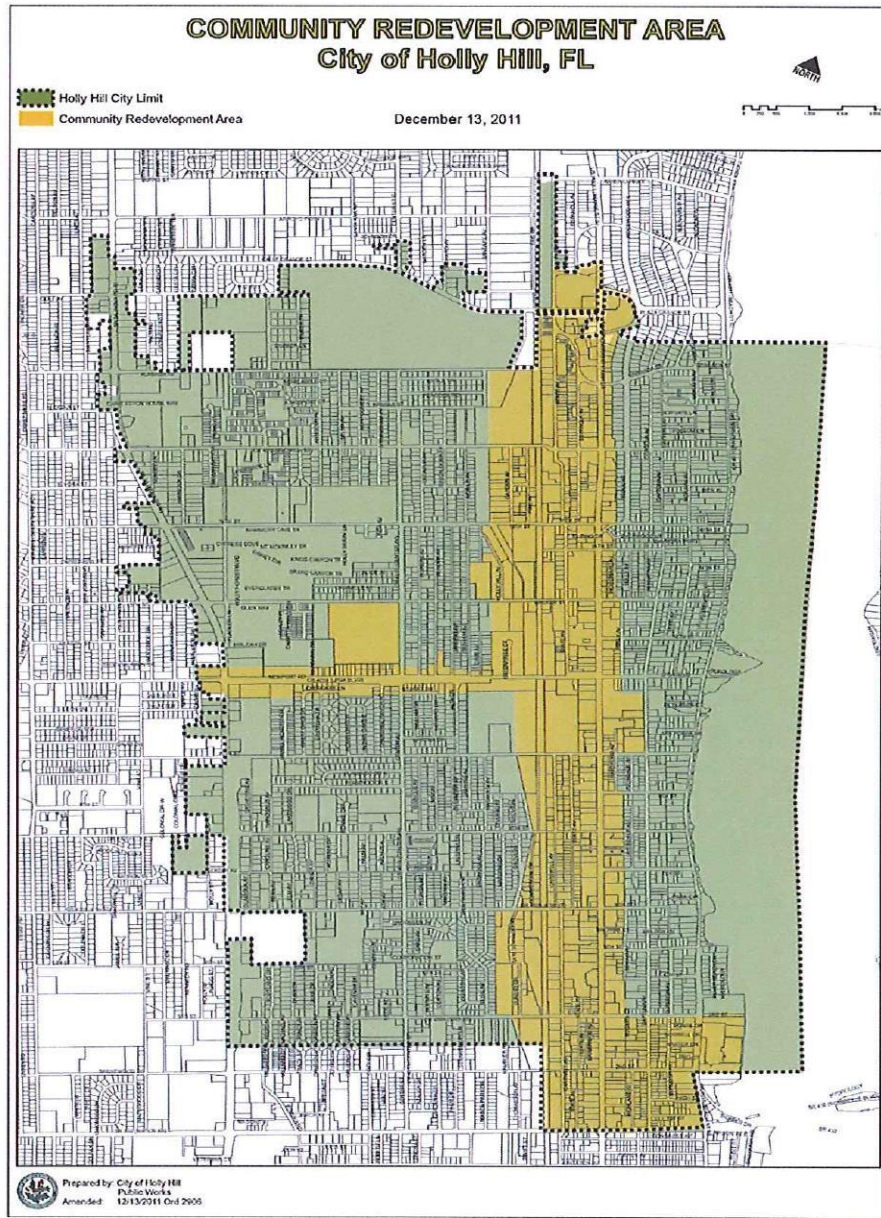
Allowing certain prohibited uses to be permitted by special exception will create more business opportunities within the Overlay. The result will be more tax and related fee revenue.

STAFF RECOMMENDATION:

Adopt the Ordinance Amending Division 15 Redevelopment District Overlay sections 114-634 Special Exceptions, and 114-635 Prohibited Uses, creating sections 114-708 and 114-709, and amending sections 78-14, 114-444, 114-594, and 114-696 of the Land Development Regulations.

- CRA RENDERING (PDF)
- Ordinance Text Amendments (PDF)

Exhibit A – Community Redevelopment Area Map



CRA FY 2012/13 Annual Report
City of Holly Hill, Florida

Page | 11

Attachment: CRA RENDERING (1865 : Redevelopment District LDR Text Amendments)

initials

ORDINANCE # _____

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY AMENDING SECTION 114-634 TO ADD TATTOO PARLORS, MINIWAREHOUSES, LABORATORIES, WAREHOUSING AND DISTRIBUTION USES AS USES PERMITTED BY SPECIAL EXCEPTION IN THE REDEVELOPMENT DISTRICT OVERLAY; AMENDING SECTION 114-635 TO REMOVE TATTOO PARLORS, MINIWAREHOUSES, LABORATORIES, WAREHOUSING AND DISTRIBUTION AS PROHIBITED USES; CREATING SECTIONS 114-708 AND 114-709 TO ADD SPECIAL EXCEPTION CONDITIONS; AMENDING SECTIONS 114-444, 114-594 AND 114-696 TO ADD LANGUAGE; AMENDING SECTION 78-14 TO ADD DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that due to the increase in on-line retailers, retail and commercial office activity and growth are diminishing within the Redevelopment District Overlay; and

WHEREAS, it is the intent of the City Commission to encourage business flexibility and facilitate redevelopment and economic opportunity within the Redevelopment District Overlay; and

WHEREAS, certain specific uses currently prohibited within the Redevelopment District Overlay are to be permitted as Special Exception uses with conditions; and

WHEREAS, it is the intent of the City Commission that this Ordinance be enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill by taking steps to prevent economic deterioration and blight;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2.

That Sec. 114-444. – Prohibited uses is amended to add the following language to item number two (2) underlined as follows:

Prohibited uses in the B-4 district are as follows:

- (1) Blood banks.
- (2) Tattoo parlors **except that tattoo parlors shall be permitted on B-4 zoned property only within the Redevelopment District Overlay if approved by special exception.**

That Sec. 114-594. – Prohibited uses is amended to add the following language to item number seven (7) underlined as follows:

The following uses are prohibited in the CC-1 district:

- (1) Asphalt batching plants.
- (2) Blood plasma centers.
- (3) Bulk storage of petroleum products and other flammable substances.
- (4) Concrete plants.
- (5) Truck and automobile salvage yards.
- (6) Temporary labor halls and similar uses, but not including employment services.
- (7) Tattoo parlors, **except that tattoo parlors shall be permitted on CC-1 zoned property only within the Redevelopment District Overlay if approved by special exception.**

That Sec. 114-634. - Special exceptions is amended to add the following four (4) uses underlined as follows:

Automobile and boat sales, except when entirely enclosed, meeting the requirements of section 114-705.

Hotels and motels meeting the requirements of section 114-706.

Outdoor display of merchandise meeting the requirements of section 114-707.

Tattoo Parlors meeting the requirements of section 114-696

Mini-warehouses meeting the requirements of section 114-686

Laboratories meeting the requirements of section 114-708

Warehousing and distribution meeting the requirements of section 114-709

As provided by the underlying zoning district unless prohibited by sections 114-635 and 114-646 below.

That Sec. 114-635. - Prohibited uses is amended to remove four (4) uses with strikethrough from the prohibited list as follows:

The following uses shall be prohibited for any properties adjacent to Ridgewood Avenue or LPGA Boulevard.

Accessory structure sales, except when entirely enclosed.

Blood Plasma Center.

Check cashing services.

Truck and automobile salvage yards.

~~Tattoo parlors.~~

~~Laboratories.~~

~~Mini-warehouses.~~

Self-service laundromats.

~~Warehousing and distribution.~~

Motor vehicle and marine/boat services and repair.

(For properties fronting on LPGA Boulevard, "adjacent" means the full depth of the property fronting on LPGA or a depth of 250 feet from the center line of LPGA Boulevard, whichever is less.)

SECTION 3. That Section 78-14. – Definitions is hereby amended to add terms and definitions for the following:

Fully enclosed structure means a permanently located structure having a roof, four full walls, doors and windows that close, all of which conform to the latest edition of the Florida Building Code.

Laboratory means a facility for conducting medical or scientific research, investigation, testing, or experimentation; but not facilities solely for the purpose of drawing blood, or for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prosthesis.

Warehousing & Distribution means a warehouse which stores merchandise, commodities or other products and goods to be redistributed to retailers, to wholesalers, or directly to consumers. In the Redevelopment District Warehousing and Distribution are permitted only as stated in the Special Exception terms and conditions.

SECTION 4. That Section 114-696 – tattoo parlors, is amended to add language underlined as follows:

Tattoo parlors are permitted as a special exception, provided:

- (1) No tattoo parlor may be permitted within 1,000 feet of any existing school, church, or public park.
- (2) No tattoo parlor may be permitted except in a planned, unified shopping center development with a minimum of 10,000 square feet of gross leasable area.
- (3) Only one tattoo parlor may be permitted in any single shopping center.
- (4) The following requirements shall apply in addition to the requirements for signage set out in chapter 110:

- a. Graphic illustrations of tattoos shall not be permitted as part of any permitted sign display.
 - b. Outside display of tattoos by persons, as a form of outdoor advertising, shall not be permitted.
- (5) No tattoo parlor may be permitted to operate on a temporary basis. All tattoo parlors shall be operated on a permanent basis on a property that meets all applicable city requirements.
- (6) All tattooing shall be performed in a fully enclosed building, and shall not be visible from outside the building.

The following conditions apply specifically and solely to tattoo parlors permitted by Special Exception within in the Redevelopment District Overlay:

- (7) **All conditions stated above for tattoo parlors shall apply to tattoo parlors within the Redevelopment District Overlay except that conditions one (1) and two (2) above shall not apply.**
- (8) **Tattoo parlors shall not open before 9 am and shall close for business and remain open no later than 11 pm.**
- (9) **All exterior lighting shall be directed away from any abutting R-1 through R-9 zoned property.**

SECTION 5. That Sections 114-708 and 114-709 are created providing Special Exception conditions for Laboratory and Warehousing and Distribution uses as follows:

Sec. 114-708. – Laboratories are permitted as a special exception, provided:

- 1. **The use does not utilize, store, or produce any hazardous material.**
- 2. **The purpose is not solely to collect blood or perform drug testing.**
- 3. **The purpose is not solely to manufacture or sell products, except as incidental to the main purpose of the laboratory.**

Sec. 114-709. – Warehousing and distribution facilities are permitted as a special exception, provided:

- 1. **The facility does not produce, store, or utilize items that;**
 - (1) Are of a flammable or explosive nature.**
 - (2) Emit odorous gases.**
 - (3) Emit fumes, vapors and gases of a noxious, toxic or corrosive nature which can cause damage or irritation to person or property.**
 - (4) Would create excessive dust in storage or transfer, such as bulk feed or grain storage.**
 - (5) Are radioactive.**
- 2. **All parts and supplies such as, but not limited to, automotive parts, pool supplies, electrical, plumbing, building and paint supplies, are kept within a fully enclosed structure. Except that large parts and supplies, as determined by the City Manager or Code Administrator, may be kept outdoors in a neat and orderly fashion if**

completely screened from view within an enclosed storage area or open structure such as one containing three (3) walls and a roof.

3. Warehouses are used as an integral part of a retail commercial operation wherein products and supplies in the warehouse are stored temporarily before being sold to the public. Examples include but are not limited to the following types of businesses: flooring and carpet supply stores, shoe stores and furniture stores where supplies are stored in a warehouse area before being sold to the public. The warehouse and retail establishment must be on the same site with the warehouse component located in the rear.
4. Warehouses shall not be used solely for storage.

SECTION 6. SEVERABILITY.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 7. CONFLICTS.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 8. CODIFICATION. It is the intent of the City Commissioners that the Substantive provision of this Ordinance will become and be made part of the Land Development Regulations of Holly Hill and that the word "ordinance" may be changed to "section", "part", or other appropriate word or phrase, and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that sections 6, 7, 8 and 9 of this Ordinance shall not be codified.

SECTION 9. EFFECTIVE DATE

That this Ordinance shall become effective immediately upon its adoption.