



Board of Planning and Appeals

BOPA Regular Meeting

~ Agenda ~

1065 Ridgewood Ave
Holly Hill, FL 32117
www.hollyhillfl.org

Liz Nelson
386-248-9442

Monday, May 2, 2016

6:30 PM

City Commission Chamber

1. Call to Order

Attendee Name	Present	Absent	Late	Arrived
Chairman Mike Myer	☐	☐	☐	
Vice Chairman Christopher Via	☐	☐	☐	
Board Member Edward H Perkins	☐	☐	☐	
Board Member Dorothy Featherston	☐	☐	☐	
Board Member Jim Legary	☐	☐	☐	

2. Invocation

3. Pledge of Allegiance

4. Minutes Approval

1. Agenda Item (ID # 1323)

Minutes

DISCUSSION: Approve Minutes of March 7, 2016 Board of Planning & Appeals Meeting

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Minutes

COMMISSION GOAL: N/A

MOTION: As determined by the Board

ATTACHMENTS:

- Minutes - March 7, 2016 (PDF)

5. Agenda Item

1. Agenda Item (ID # 1318)

1103 State Variance Request A Request to Reduce the 250 Foot Setback from LPGA Boulevard to Zero to Allow Automotive Repair as a Business at 1103 State Avenue.

INTRODUCTION: The subject property lies in the Redevelopment District Overlay which prohibits automotive repair on properties adjacent to Ridgewood Avenue or LPGA Boulevard (Section 114-635). Adjacent is defined as the full depth of property fronting on LPGA Boulevard or 250 feet, whichever is less. While the subject property is addressed on State Avenue it abuts LPGA Boulevard on the south side. Our code defines both yards as front yards. The applicant is requesting a reduction of the 250-foot setback to zero to allow for the establishment of an automotive repair business at this location.

BACKGROUND: The subject property is located at the northeast corner of the intersection of State Avenue with LPGA Boulevard. As the property lies within the Redevelopment District Overlay, the prohibition against automotive repair businesses applies. The subject property was not always a corner property. At one time, there was an additional private property to the south of 1103 State, but this property was purchased and incorporated into the right-of-way of LPGA Boulevard. The added right-of-way is used for stormwater retention, sidewalk, landscaping and is available to support future intersection improvements. The change in ownership of the former corner parcel moved the right-of-way line making 1103 State the new corner parcel.

The property has been used for automotive repair in the past and has a lift on site to support automotive repair work. The applicant has a prospective tenant who would like to undertake an automotive repair business at this location, but the City is prevented from issuing a business license under the current code.

The 250-foot setback defining the limits of the automotive repair prohibition was added to the code to address properties such as Enterprise Court where one ownership extends well back from LPGA Boulevard and has multiple tenant spaces. The 250-foot limit places a restriction on the LPGA frontage that approximates the depth of most properties fronting on LPGA Boulevard. The subject property has a total depth of 105 feet and the applicant is requesting the 250-foot requirement be reduced to zero.

DISCUSSION: The applicant has submitted an application with his case supporting the variance request. A copy of the application is included with the agenda packet. The applicant notes that the surrounding area is industrial and heavy commercial in character and backs up to commercial development fronting on Ridgewood Avenue. The applicant notes the building includes a lift and has been used for automotive repair in the past.

The one item in this case that makes the property unique when compared to other properties covered by Section 114-635 is that, in this case, the right-of-way of LPGA Boulevard was expanded to the subject property. Had the original parcel south of the subject property remained in private ownership, the City would have permitted the requested use at this site. This change was clearly not resulting from action of the property owner.

The subject property is designated as industrial along with much of the State Avenue frontage in this area. Zoning for the block is CC-1 Commercial Corridor, and the applicant

has pointed out a number of industrial and heavy commercial uses established along the street. The addition of automotive repair would not be character changing for the area.

The City has had some code enforcement issues with the subject property. The anticipated tenant began work at the site without the proper business license, despite being advised that the site had limitations for automotive repair, and the tenant has twice removed stop work orders placed on the site. Any relief the Board may believe is warranted based on the facts of the variance case, should be conditioned upon full compliance with City codes.

RECOMMENDATION: Recommend the City Commission approve the requested variance to reduce the 250-foot setback requirement to zero to allow automotive repair at 1103 State provided the property owner and his tenants fully comply with the applicable City codes.

ATTACHMENTS:

- 1103 State Location Map (PDF)
- V-2016-01 Application 1103 State (PDF)
- V-2016-01 Survey (PDF)

2. Agenda Item (ID # 1319)

Variance Request for 919 Newcastle A Request for a Variance of 12 Feet One Inch from the Required Front Yard Setback of 25 Feet and a Variance of 12 Feet Three Inches from the Required 30 Foot Rear Yard Setback to Permit Construction of a Garage.

INTRODUCTION: The applicant is proposing to add a garage addition to an existing two-family dwelling. The addition as proposed will encroach into the required front yard and the required rear yard. The applicant is requesting a variance of 12 feet one inch from the required 25-foot front yard setback and a variance of 12 feet three inches from the required 30-foot rear yard setback.

BACKGROUND: According to the Volusia County Property Appraiser Records, the existing two-family dwelling was built in 1977 and purchased by the current owner in 2011. The unit lies at the west of Newcastle Court at the end of the cul-de-sac. The abutting properties include the proposed Mirage development to the west and two-family dwellings to the north, east and south which are all part of the same subdivision development.

In the definitions section, the land development code identifies which yards are front yards, which are rear yards and which are side yards. The diagram defining these yards is attached.

When applied to the subject property, the diagram clearly shows that the yard adjacent to the street is the front yard while the two yards extending north and east from the rear corner are rear yards. The two yards extending south and west from the cul-de-sac are side yards. The property survey shows that the existing building as constructed met the rear yard requirement on the south but not on the west. The proposed garage addition to the north when constructed in line with the existing building will necessarily violate the rear yard setback requirement on the west.

The survey also shows that the existing building fails to meet the required front yard setback at both corners. As with the rear yard, the proposed garage addition when extended in line with the front wall of the unit will necessarily encroach in the required front yard setback. The applicant has submitted a sketch of the proposed development showing the location of the structure and the resulting front and rear yard setbacks. The proposed side yard setback exceeds the minimum requirement of the feet.

We do not have any reliable information on whether the setback requirements were changed subsequent to the construction of the units in 1977 or whether errors were made in the permitting review. The current zoning code underwent a major review in July 1993, but the adopting ordinance did not include information sufficient to identify specific changes.

DISCUSSION: The applicant has submitted an application responding to the questions posed for consideration of variances. A copy of the application is attached. The applicant notes that the proposed plan is to extend the building in line with current construction, and that the extension will have minimal impact on other properties. The property to the west is the retention pond for units already constructed in the Mirage development. The front yard placement of the proposed structure lines up with the driving lane of the cul-de-sac rather than impacting adjacent structures. The residence to the north is the closest structure and the placement of the proposed building will be the same distance from the neighboring structure as a building conforming to front and rear yard setbacks could be built. The minimum spacing between the side of the proposed garage and the front of the neighboring residence meets code requirements.

The applicant notes the following points in the application:

1. The need to seek a variance from the front and rear yard setbacks is generated by the placement of the building on the site such that it fails to meet the required setbacks as currently constructed.
2. The placement of the building was done in 1977 prior to the applicant purchasing the property.
3. The code typically allows garage parking. The site has one single-car garage, but does not have a garage for each unit. Some garage space was apparently converted to living area in the past.
4. Typically, homes are provided with the opportunity for covered parking.
5. The proposed addition is being done in-line with the existing structure. The depth of the proposed addition is 25 feet which is reasonable for a garage.
6. The proposed variance is in harmony with the comprehensive plan policies encouraging residential development. The modification from setbacks requirements will not impact light and air or general views from other properties.
7. As noted in the discussion above, the placement of the proposed addition would not impact adjacent properties

RECOMMENDATION: Given the condition of the site as developed and the minimal impact to adjacent properties, the staff recommends approval of the requested variances to the front and rear yard.

ATTACHMENTS:

- Yard Diagram from Section 78 (DOCX)
- V-2016-02 919 Newcastle Application Package (PDF)
- 919 Newcastle Proposed Development Plan (PDF)
- 919 Newcastle Survey (PDF)

3. Agenda Item (ID # 1320)

Food Truck Discussion Consideration of a Proposal to Allow Food Trucks to Operate Within the City of Holly Hill.

INTRODUCTION: The City Commission has requested a review of the options and opportunities related to food trucks operating within the City of Holly Hill. As this process will eventually call for consideration of amendments to the Land Development Code, the Board of Planning and Appeals is being requested to review the activity and provide a recommendation to the City Commission.

BACKGROUND: The City Commission is interested in the potential for a regular City-sponsored event that would be based on food trucks, and several merchants have inquired about the opportunity to have food trucks periodically sell food at their business sites as a means of generating additional customer traffic. The use of food trucks as part of special event activities has been established in the City through events such as the "Bike Week" and "Biketoberfest" and "Trunk or Treat" among other events. A City-sanctions special event based around food trucks would be somewhat different, but not a cosmic leap from past special events.

Outside of special events the City has not permitted food truck sales activity. We do approve commissaries which are bases of operation for food trucks, but we do not permit sales activity. In the literature on food trucks there are three basic types of vehicles that are discussed. A lunch truck serves pre-packaged food but does not cook on the vehicle. The food truck cooks on the vehicle, and the food cart serves foods but is not motorized. Some codes also identify a peddler which requires the food vendor to be in motion except when a sale is being conducted (like the traditional ice cream truck).

Food trucks have seen increased popularity in recent years through increased exposure through television such as the Food Channel and through other outlets such as social media. However, food trucks do not come without some issues. These are discussed below.

DISCUSSION: In looking at the programs from other jurisdictions, I have identified five areas of concern that are regulated in at least some communities along with some basic data that most communities require. The key areas of concern include:

Health Compliance: What standards are applied to ensure that food served from the truck is safe.

Conflict with Brick & Mortar Restaurants: In some cases, restaurants that serve from brick and mortar locations object to food trucks competing with them on what they regard is an unfair playing field.

Cleanliness of the vending area: If food truck activity is allowed, what standards are needed to ensure that trash and litter is controlled.

Restrooms: What restroom options are available for food truck patrons.

Noise: Some food trucks are equipped with speakers to play music, and in some cases live entertainment has been provided. What controls may be needed to regulate noise nuisances on other properties.

Parking: Most local governments do not require additional parking to support a food truck.

Signage: The rules should address what type of signage is permitted.

Staff reviewed a number of established programs in other communities. This review identified some responses to these issues that are currently part of regulations or which have been tried. The response that communities have offered to these issues are listed below:

Health Compliance

- Require a state certificate of inspection
- Require local business tax receipts
- No discharge of grease or other cooking waste is permitted

These requirements are typically standard for most jurisdictions. There is an established process through the Health Department for initial and regular inspections of food truck operations. In order to begin service, the City would want a copy of the most recent certification. The operations need to be self-contained so that no grease or cooking waste is left on the property once the food truck leaves.

The business tax receipt is a less certain requirement. Some guidance will be required from our legal advisor as to whether a BTR can be required for a temporary business site. If the sales site can be considered a branch site, it may be possible to require a BTR for a food truck operating out of another jurisdiction. The section we located from the State laws on business taxes are provided in an attachment to this report.

Conflict with Brick & Mortar Restaurants

- Limit the number of days a week a mobile vendor can open
- Limit the number of days per year a mobile vendor can open
- Spacing requirements from existing restaurants
- Underlying zoning must permit restaurants
- Limit the number of vendors that may be permitted at a given location
- Limit areas in the jurisdiction where mobile vending is permitted

(Note: When there is a restriction on the number of days a mobile vendor can be open, special event days do not count against the time periods.)

Established brick and mortar restaurants may have concerns about permitting food trucks as competition for their businesses when a food truck is not paying the same business operating expenses for rent, operating expenses and business taxes. The techniques some communities have used when responding to these concerns have been limitations on the number of operating days and limitations on locations. One community has a process where neighborhoods could file a request to allow food trucks in their area, while it is common to see communities declare exclusion areas where food trucks are prohibited. These tended to be traditional downtown areas and redevelopment areas where this technique is used.

Most communities limit food trucks to commercially developed areas, and they prohibit the use of vacant lots as food truck locations. The regulations are mixed when it comes to the use of right-of-way as a food truck business location.

Cleanliness of the vending area

- Require the vendor to provide trash receptacles
- Prohibit use of Styrofoam containers
- Require property owner to clean up area as well

Food trucks are typically required to provide trash containers and to remove all trash and debris once they close operations. Limiting food trucks to private property helps with maintaining clean areas as the property owner can be held responsible for the condition of the site.

Restrooms

- Not typically addressed
- Require owner to make accessible

As noted, this is an apparent issue, but not one that appeared in most regulations. As noted, the property owner can be made responsible to provide restroom facilities when needed.

Noise

- Prohibit amplified sound
- Have setback from residential areas
- Limit hours of operation

Noise has been an issue as with any outdoor activity. Food trucks have been known to include amplified music and even live music in some cases. Setbacks from residential areas are common as are limits on the hours of operation. Prohibition of amplified sound is also common.

Parking

The local government programs reviewed did not require additional parking be provided for a food truck. The assumption is apparently that the host business understands that it is surrendering spaces when they agree to allow the food truck on their site. There are some communities which prohibit the food truck from

blocking parking spaces or drive aisles. Otherwise this topic is addressed through the site plan review process.

In many instances food trucks are located in high density commercial areas where there is a high volume of pedestrian traffic that would not require parking. The Board may want to consider a regulation or requirement with regard to parking.

Signage

The food truck menu board is typically placed on the vehicle. Communities offer additional signage options such as an a-frame sign that may be placed as a temporary sign on the host property advertising the presence of the food truck.

The applications require the same basic set of information about the business and the property location. The list below includes the most common conditions for operations in addition to time limits. The final list would depend on the specifics recommended and approved by the City Commission.

- Property owner approval
- Not allowed on streets or sidewalks
- Limited to commercial areas
- Not allowed on vacant lots
- Must be on paved surface (can't damage landscaping)
- Site plan of use area is required
- Some jurisdictions require general liability insurance
- Vendor contact data is required
- Photo of vendor and vehicle
- Business licenses

RECOMMENDATION: This item is provided for discussion and recommendation to the City Commission.

6. Old Business

7. Board/Staff Communications

8. Adjournment



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: May 2, 2016
FROM: Elizabeth Nelson
SUBJECT: Minutes
NUMBER: (ID # 1323)
APPLICANT:
PLANNER:

DISCUSSION: Approve Minutes of March 7, 2016 Board of Planning & Appeals Meeting

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Minutes

COMMISSION GOAL: N/A

MOTION: As determined by the Board

- Minutes - March 7, 2016 (PDF)



Board of Planning and Appeals

BOPA Regular Meeting

~ Minutes ~

1065 Ridgewood Ave
Holly Hill, FL 32117
www.hollyhillfl.org

Liz Nelson
386-248-9442

Monday, March 7, 2016

6:30 PM

City Commission Chamber

1. Call to Order

Attendee Name	Title	Status	Arrived
Mike Myer	Chairman	Present	
Christopher Via	Vice Chairman	Present	
Edward H Perkins	Board Member	Absent	
Dorothy Featherston	Board Member	Present	
Jim Legary	Board Member	Present	

2. Innocation

Invocation given by Chairman Mike Myer.

3. Pledge of Allegiance

Dorothy Featherston led the Pledge of Allegiance.

4. Minutes Approval

1. Agenda Item (ID # 1282)

Minutes

DISCUSSION: Approve February 1, 2016 Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Minutes of February 1, 2016 BOPA Meeting

COMMISSION GOAL: N/A

MOTION: As determined by the Board of Planning & Appeals

COMMENTS - Current Meeting:

Chris Via amended the February 1, 2016 minutes to reflect the approved excused date of March 2, 2015 for Jim Legary.

ATTACHMENTS:

- Minutes - February 1, 2016 (PDF)

Attachment: Minutes - March 7, 2016 (1323 : Minutes)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Christopher Via, Vice Chairman
SECONDER:	Dorothy Featherston, Board Member
AYES:	Mike Myer, Christopher Via, Dorothy Featherston, Jim Legary
ABSENT:	Edward H Perkins

5. Agenda Item

6. Old Business

1. Agenda Item (ID # 1296)

R-1 Front Setback Review: Continuation of the Discussion About Potential Code Amendments for Front Yard Setbacks in the R-1 Zoning District.

INTRODUCTION: The Board of Planning and Appeals has been reviewing proposals to amend the regulations governing front yard setbacks in the R-1 zoning classification. The Board discussed the issue at both the January and February meetings, and this report is intended to provide additional data for the discussion.

BACKGROUND: The staff has attached the previous BOPA reports dated October 5, 2015 and February 1, 2015. The October report presents the findings from our review of existing conditions and suggestions of potential options for Board consideration. The February memo presents proposed language and additional analysis on two options; reduced setbacks for the secondary front yard on corner properties and the averaging of setbacks where existing units sit forward of the minimum required front yard setback. This report provides proposed language for an averaging process to serve as a starting point for discussion.

DISCUSSION: Should the Board wish to pursue an averaging program, staff is suggesting that Section 114-33 Scope be amended to include a new paragraph four. Attachment A presents the proposed amendment. This amendment would be accompanied by a definition of block face which is the area between intersecting streets on the same side of the street. Please note that the draft language does not include a decision on several issues that we discussed at the February meeting including:

- Should the waiver apply to all residential districts or just the R-1 zone? (The option is limited to R-1.)
- Should there be a minimum percentage of lots with violations of the front yard setback to initiate the averaging process? (No minimum is proposed.)
- Should the resulting setback adjustment round fractional portions of a foot? (No rounding is proposed.)

The proposal may be modified for any or all of these conditions. We assume that an applicant for a building permit desiring to use the setback waiver would be required to

provide survey data showing the actual building setback for all principal structures within the block face.

During our discussion at the February meeting, it was pointed out that using an ongoing average could result in a gradual reduction of the front yard setback as new, closer structures are averaged with current existing structures. One option suggested was that the averaging process be done once for each block face and that first average would essentially become the new fixed setback for that block.

RECOMMENDATION: Continue discussion of proposed revisions to the code and direct staff as appropriate.

COMMENTS - Current Meeting:

Tom Harowski, City Planner, summarized the discussions from the previous meetings dealing with the R-1 setback issue. He suggested that if the Board wishes to pursue an averaging program, staff is suggesting that Section 114-33 Scope be amended to include a new paragraph four. He also pointed out that the draft language does not include a decision on several issues that were discussed at the February meeting.

The Board discussed different ways to adjust the R-1 setbacks. They were in consensus that averaging was not the right way to adjust the setbacks.

Chris Via suggested that the R-1 front yard setback be changed from 35 feet to 30 feet.

The Board agreed that the front side corner setback should also be changed.

Chris Via moved, seconded by Dorothy Featherson to change the R-1 front setback from 35 feet to 30 feet and the front side corner setback be reduced by 40% to 18 feet.

Mike Myer asked what did the Board think about changing the front side corner setbacks in the R-2 and R-3 Districts. The Board agreed that the front side corner setbacks should also be changed.

After much discussion regarding the setback issue. Chris Via amended his motion to: R-1 Front Setback will be changed from 35 feet to 30 feet, that the R-1 Front Side Corner Yard Setback will be changed to 18 feet and that the R-2 and R-3 Front Side Corner Yard Setbacks will be changed to 15 feet.

Ronald Strange, 24 Katrinas Drive, Ormond Beach, Florida stepped to the podium. Mr. Strange owns a vacant lot abutting 1650 Riverside Drive. He thanked the Board for taking up this issue and also thanked staff for their hard work and time spent on this. He further stated that he was in favor of the motion that was on the floor.

ATTACHMENTS:

- R-1 Residential Setback Analysis (DOC)

- R-1 Residential Setback Second Report (DOC)
- Planning - R-1 Steback Study Compliance Properties Map (PDF)

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Christopher Via, Vice Chairman
SECONDER: Dorothy Featherston, Board Member
AYES: Mike Myer, Christopher Via, Dorothy Featherston, Jim Legary
ABSENT: Edward H Perkins

7. Board/Staff Communications

Tom Harowski stated that he did not have any future pending actions for the Board. At this time he did not think that they would have an April meeting.

8. Adjournment

Meeting adjourned at 7:48 PM



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: May 2, 2016
FROM: Thomas Harowski
SUBJECT: 1103 State Variance Request A Request to Reduce the 250 Foot
Setback from LPGA Boulevard to Zero to Allow Automotive
Repair as a Business at 1103 State Avenue.
NUMBER: (ID # 1318)
APPLICANT: John Oliva
PLANNER: Thomas Harowski

INTRODUCTION: The subject property lies in the Redevelopment District Overlay which prohibits automotive repair on properties adjacent to Ridgewood Avenue or LPGA Boulevard (Section 114-635). Adjacent is defined as the full depth of property fronting on LPGA Boulevard or 250 feet, whichever is less. While the subject property is addressed on State Avenue it abuts LPGA Boulevard on the south side. Our code defines both yards as front yards. The applicant is requesting a reduction of the 250-foot setback to zero to allow for the establishment of an automotive repair business at this location.

BACKGROUND: The subject property is located at the northeast corner of the intersection of State Avenue with LPGA Boulevard. As the property lies within the Redevelopment District Overlay, the prohibition against automotive repair businesses applies. The subject property was not always a corner property. At one time, there was an additional private property to the south of 1103 State, but this property was purchased and incorporated into the right-of-way of LPGA Boulevard. The added right-of-way is used for stormwater retention, sidewalk, landscaping and is available to support future intersection improvements. The change in ownership of the former corner parcel moved the right-of-way line making 1103 State the new corner parcel.

The property has been used for automotive repair in the past and has a lift on site to support automotive repair work. The applicant has a prospective tenant who would like to undertake and automotive repair business at this location, but the City is prevented from issuing a business license under the current code.

The 250-foot setback defining the limits of the automotive repair prohibition was added to the code to address properties such as Enterprise Court where one ownership extends well back from LPGA Boulevard and has multiple tenant spaces. The 250-foot limit places a restriction on the LPGA frontage that approximates the depth of most properties fronting on LPGA Boulevard. The subject property has a total depth of 105 feet and the applicant is requesting the 250-foot requirement be reduced to zero.

DISCUSSION: The applicant has submitted an application with his case supporting the variance request. A copy of the application is included with the agenda packet. The applicant notes that the surrounding area is industrial and heavy commercial in character and backs up to commercial development fronting on Ridgewood Avenue. The applicant notes the building includes a lift and has been used for automotive repair in the past.

The one item in this case that makes the property unique when compared to other properties covered by Section 114-635 is that, in this case, the right-of-way of LPGA Boulevard was expanded to the subject property. Had the original parcel south of the subject property remained in private ownership, the City would have permitted the requested use at this site. This change was clearly not resulting from action of the property owner.

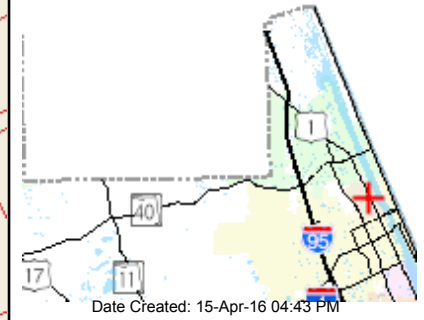
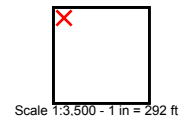
The subject property is designated as industrial along with much of the State Avenue frontage in this area. Zoning for the block is CC-1 Commercial Corridor, and the applicant has pointed out a number of industrial and heavy commercial uses established along the street. The addition of automotive repair would not be character changing for the area.

The City has had some code enforcement issues with the subject property. The anticipated tenant began work at the site without the proper business license, despite being advised that the site had limitations for automotive repair, and the tenant has twice removed stop work orders placed on the site. Any relief the Board may believe is warranted based on the facts of the variance case, should be conditioned upon full compliance with City codes.

RECOMMENDATION: Recommend the City Commission approve the requested variance to reduce the 250-foot setback requirement to zero to allow automotive repair at 1103 State provided the property owner and his tenants fully comply with the applicable City codes.

- 1103 State Location Map (PDF)
- V-2016-01 Application 1103 State (PDF)
- V-2016-01 Survey (PDF)

1103 STATE LOCATION MAP



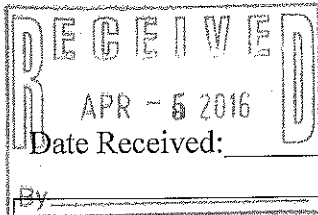
DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of his information should review or consult the primary data and information sources to ascertain the usability of the information. Use at your own risk.
SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER

Attachment: 1103 State Location Map (1318 : 1103 State Variance Request)



GENERAL LAND DEVELOPMENT APPLICATION

1065 Ridgewood Avenue, Holly Hill, Florida 32117 16-678
 Phone: (386) 248-9424 Fax: (386) 248-9498



Date Received: _____ Application ID: _____ Received By: _____

By: _____

REQUESTED ACTION

- | | | | |
|--|--|--|--|
| ☐ Comp Plan Amend | ☒ Variance | ☐ Site Plan | ☐ PUD |
| ☐ Rezoning | ☐ Special Exception | ☐ Subdivision Major | ☐ Subdivision Minor |
| ☐ Waiver Request | ☐ Other: _____ | | |
- Describe Request: _____

✓ APPLICANT INFORMATION:

Name: JOHN CHIU E-Mail: JCHIU3815@AOL.COM
 Address: 1 John Anderson Dr Phone: 386 2908261
APT 721 OB Fax: _____
☒ Owner ☐ Agent for Owner ☐ Attorney for Owner

✓ OWNER INFORMATION:

Name: Same E-Mail: _____
 Address: _____ Phone: _____
 Fax: _____

✓ PROPERTY INFORMATION:

Address: 1103 STATE ST
 General Location: STATE Bellevue LP6A WALV
 Current Zoning: _____ Current Land Use: AA
 Parcel Size: _____ Tax Parcel #: _____
 Legal Description Attached ☒ Yes ☐ No Survey Attached ☒ Yes ☐ No

Attachment: V-2016-01 Application 1103 State (1318 : 1103 State Variance Request)

Pre-Application Meeting Date: _____
(Attach Pre-Application Form)

Application Fee: \$ 1200

Applicant's Signature: _____
(Signature) 9/2/16
(Date)

John Chua
(Print)

Owner's Signature:
*(Provide letter of
 Authorization)*

_____ 9/2/16
(Signature) *(Date)*

John Chua
(Print)

Applications must be complete to initiate the preview process.

Any questions please contact our City Planner, Tom Harowski at (386) 248-9424, fax (386) 248-9498 or email him at tharowski@hollyhillfl.org



John Cell 290 8261

5.1.b

CITY OF HOLLY HILL VARIANCE CHECKLIST AND REQUIREMENTS

VARIANCE APPLICATION CHECKLIST

- ☒ Pre-Application Meeting Form completed and meeting held prior to completion of application
- ☒ Application Fee and Estimated Deposit
- ☒ Completed Variance Application
- ☒ List of property owners requiring individual notification
- ☒ One signed and sealed surveys of the property (no more than 2 years old).
- ☐ Legal Description (Digital in MS Word) 7
- ☐ Notarized Authorization of Owner (if applicant is other than owner or attorney for owner).
- ☐ A Description of the Variance and how it complies with the City Code, Sec. 82-317.

PUBLIC NOTIFICATION (Sec. 82-314)

- a) The applicant shall provide written notice to property owners regarding his intention to seek a variance and shall pay all costs of providing such notice as follows:
 - 1) An applicant seeking a variance for property located in any single-family or multifamily residential zoning district (R-1 through R-9) shall provide written notice to abutting property owners, as identified in the current tax roll.
 - 2) An applicant seeking a variance for property in any commercial or industrial zoning district (B-1 through B-6, CC-1, I-1 and I-2) shall provide written notice to property owners, as identified in the current tax roll, within 300 feet of the property perimeter which is the subject of a variance request.
 - 3) In addition to written notice provided in accordance with either subsection (1) or (2) of this section, city staff shall also post a notice on the subject property ten days prior to the board of planning and appeals meeting. Two signs shall be posted on corner properties.
- b) A notice letter will be provided to the applicant by the City. The written notices shall be made at least ten days prior to the date of hearing before the board of planning and appeals. The written notice shall be sent by certified mail, return receipt requested.

BOARD OF PLANNING AND APPEALS (BOPA) PUBLIC HEARING (Section 82-313)

This is an advisory body consisting of five (5) members appointed by the City Commission. A public hearing is held the first Monday of every month, at 6:30 p.m. in the City Commission Chambers, 1065 Ridgewood Avenue, Holly Hill, Florida 32117. Following the public hearing and discussion of each application, the BOPA votes on its recommendation to the City Commission. They may accept, modify, return, or seek additional information.

CITY COMMISSION (Section 82-315 and 82-316)

The City Commission schedules public hearings the second and fourth Tuesday of each month at 7:00 p.m. in the City Commission Chambers, 1065 Ridgewood Avenue, Holly Hill, Florida 32117. At this public hearing, the City Commission votes to approve, deny, or continue the application.

Attachment: V-2016-01 Application 1103 State (1318 : 1103 State Variance Request)

VARIANCE REQUIREMENTS

The following items must be completed in sufficient detail to allow the City to determine if the application complies with the criteria for approving a variance.

1. What special condition(s) and circumstance(s) exist that are peculiar to your land, structure, building, or sign and are not applicable to other lands, structures, buildings, or signs in the same zoning classification?

I have across the street on state street a steel fabrication plant, They deal in trailer loads of steel and unload with folk lifts . down the street is a granite slab dealer and auto repairs. North of me is a staircase [steel] manufacturing plant... Just past him is a wholesale carpet warehouse all locations on state street.

2. Were these special condition(s) and circumstance(s) the result of actions by you? ☐ YES ☒ NO
If Yes, Explain.

3. Would literal interpretation of the code deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the City Code? ☒ YES ☐ NO If Yes, Explain

There is the same type of business and very heavy industrial use. I would not be out of place with auto repairs

4. Will granting the variance requested confer on the applicant any special privilege that is denied by code to other lands, buildings or structures in the same zoning district? ☐ YES ☒ NO Explain

NOT THAT I KNOW OF

Attachment: V-2016-01 Application 1103 State (1318 : 1103 State Variance Request)

5. Explain how the Variance(s) you are requesting is/are the minimum Variance(s) that will make it possible for you to make reasonable use of your land, building, structure or sign.

This is a small building 1200 sq feet with a auto lift located on site

6. Would the granting of the variance be in harmony with the general intent and purpose of the Code and the city's comprehensive plan? ☒ YES ☐ NO Explain

WILL BE IN HARMONY OF CURRENT USES HEAVY INDUSTRIAL 80,000 LBS OF STEEL
DELIVERIES AND SHIPMENTS EVERY WEEK

7. Would the granting of the variance be injurious to the area involved or otherwise detrimental to the public welfare? ☐ YES ☒ NO Explain

I DON'T SEE HOW A AUTO REPAIR SHOP WOULD BE DETRIMENTAL TO PUBLIS WELFARE

8. The general intent and purpose of the Comprehensive Plan Ordinance (Section 78-5) is to foster and preserve public health, safety, comfort and welfare, and aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the city. Is your request for Variance(s) consistent with this intent and purpose? ☐ YES ☐ NO Explain

I AM NOT CHANGING THE AESTHEICS OF THE BUILDING OR GROUNDS

John OLIVA
Print Applicant Name

John OLIVA
Applicant Signature

Print Applicant Name

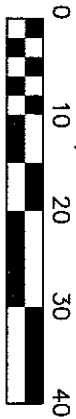
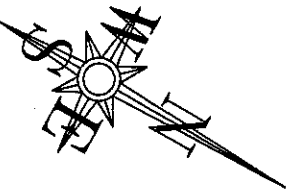
Applicant Signature

Date

Date

Attachment: V-2016-01 Application 1103 State (1318 : 1103 State Variance Request)

BOUNDARY SURVEY
Sheet 1 of 2

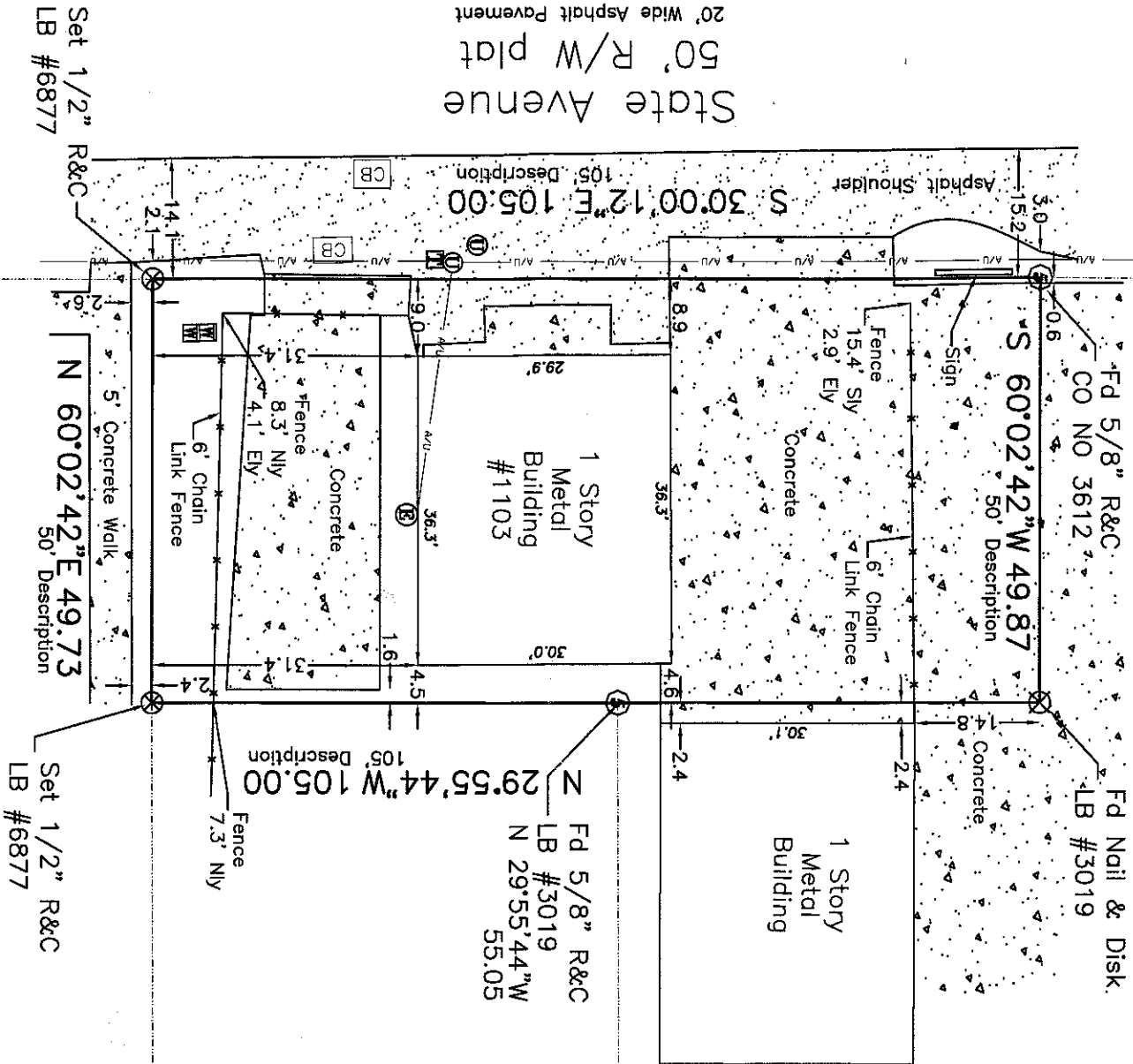


SCALE : 1" = 20'

Fd 1" Iron
Pipe illegible
on Wly Line of
Block 2

N 30°01'01"W 346.60
346.82' Description

Block
2



LPGA Boulevard
(11th Street)
60' R/W plat

AMMYER LAND SURVEYING, INC. LICENSED BUSINESS #6877 MICHAEL M. MYER #LS 4006 PROFESSIONAL LAND SURVEYOR 316 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117 386 255-6304 Phone				
SCALE 1" = 20'	DESIGNED	DRAWN ALH	CHECKED MMM	DATE 2/4/16

(Not valid unless accompanied by sheet 2, Survey Report)
Job Number 16127 Crd #13015 FB 312 @ 31-32



STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

Board of Planning and Appeals
Agenda Item

MEETING DATE: May 2, 2016
FROM: Thomas Harowski
SUBJECT: Variance Request for 919 Newcastle A Request for a Variance of 12 Feet One Inch from the Required Front Yard Setback of 25 Feet and a Variance of 12 Feet Three Inches from the Required 30 Foot Rear Yard Setback to Permit Construction of a Garage.
NUMBER: (ID # 1319)
APPLICANT: Barbara Wolverton
PLANNER: Thomas Harowski

INTRODUCTION: The applicant is proposing to add a garage addition to an existing two-family dwelling. The addition as proposed will encroach into the required front yard and the required rear yard. The applicant is requesting a variance of 12 feet one inch from the required 25-foot front yard setback and a variance of 12 feet three inches from the required 30-foot rear yard setback.

BACKGROUND: According to the Volusia County Property Appraiser Records, the existing two-family dwelling was built in 1977 and purchased by the current owner in 2011. The unit lies at the west of Newcastle Court at the end of the cul-de-sac. The abutting properties include the proposed Mirage development to the west and two-family dwellings to the north, east and south which are all part of the same subdivision development.

In the definitions section, the land development code identifies which yards are front yards, which are rear yards and which are side yards. The diagram defining these yards is attached.

When applied to the subject property, the diagram clearly shows that the yard adjacent to the street is the front yard while the two yards extending north and east from the rear corner are rear yards. The two yards extending south and west from the cul-de-sac are side yards. The property survey shows that the existing building as constructed met the rear yard requirement on the south but not on the west. The proposed garage addition to the north when constructed in line with the existing building will necessarily violate the rear yard setback requirement on the west.

The survey also shows that the existing building fails to meet the required front yard setback at both corners. As with the rear yard, the proposed garage addition when extended in line with the front wall of the unit will necessarily encroach in the required front yard setback. The applicant has submitted a sketch of the proposed development

showing the location of the structure and the resulting front and rear yard setbacks. The proposed side yard setback exceeds the minimum requirement of the feet.

We do not have any reliable information on whether the setback requirements were changed subsequent to the construction of the units in 1977 or whether errors were made in the permitting review. The current zoning code underwent a major review in July 1993, but the adopting ordinance did not include information sufficient to identify specific changes.

DISCUSSION: The applicant has submitted an application responding to the questions posed for consideration of variances. A copy of the application is attached. The applicant notes that the proposed plan is to extend the building in line with current construction, and that the extension will have minimal impact on other properties. The property to the west is the retention pond for units already constructed in the Mirage development. The front yard placement of the proposed structure lines up with the driving lane of the cul-de-sac rather than impacting adjacent structures. The residence to the north is the closest structure and the placement of the proposed building will be the same distance from the neighboring structure as a building conforming to front and rear yard setbacks could be built. The minimum spacing between the side of the proposed garage and the front of the neighboring residence meets code requirements.

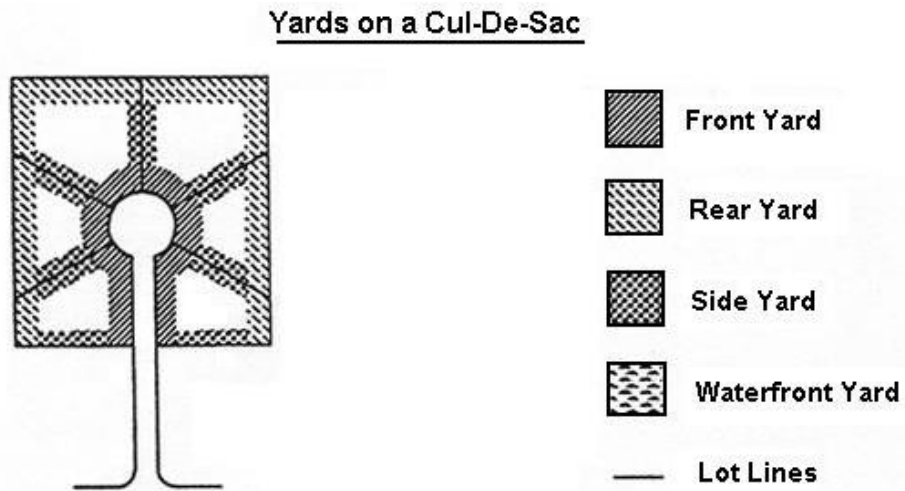
The applicant notes the following points in the application:

1. The need to seek a variance from the front and rear yard setbacks is generated by the placement of the building on the site such that it fails to meet the required setbacks as currently constructed.
2. The placement of the building was done in 1977 prior to the applicant purchasing the property.
3. The code typically allows garage parking. The site has one single-car garage, but does not have a garage for each unit. Some garage space was apparently converted to living area in the past.
4. Typically, homes are provided with the opportunity for covered parking.
5. The proposed addition is being done in-line with the existing structure. The depth of the proposed addition is 25 feet which is reasonable for a garage.
6. The proposed variance is in harmony with the comprehensive plan policies encouraging residential development. The modification from setbacks requirements will not impact light and air or general views from other properties.
7. As noted in the discussion above, the placement of the proposed addition would not impact adjacent properties

RECOMMENDATION: Given the condition of the site as developed and the minimal impact to adjacent properties, the staff recommends approval of the requested variances to the front and rear yard.

- Yard Diagram from Section 78 (DOCX)
- V-2016-02 919 Newcastle Application Package (PDF)
- 919 Newcastle Proposed Development Plan (PDF)
- 919 Newcastle Survey (PDF)

Yard Diagram from Section 78-14





GENERAL LAND DEVELOPMENT APPLICATION

1065 Ridgewood Avenue, Holly Hill, Florida 32117 (16-677)

Phone: (386) 248-9424

Fax: (386) 248-9498

By Date Received: 4-6-16

Application ID: V-2016-04

Received By: [Signature]

REQUESTED ACTION

☐ Comp Plan Amend☒ Variance☐ Site Plan☐ PUD☐ Rezoning☐ Special Exception☐ Subdivision Major☐ Subdivision Minor☐ Waiver Request☐ Other: _____

Describe Request: Variance from required front and rear yard setbacks to allow construction of a garage.

APPLICANT INFORMATION:

Name: Barbara WolvertonE-Mail: barbie7@efl.rr.comAddress: 919 New Castle ct
Holly Hill, FL 32117Phone: 386.299.8603

Fax: _____

☒ Owner☐ Agent for Owner☐ Attorney for OwnerOWNER INFORMATION: Same as above

Name: _____

E-Mail: _____

Address: _____

Phone: _____

Fax: _____

PROPERTY INFORMATION:

Address: _____

General Location: at the end of New Castle ctCurrent Zoning: R5Current Land Use: Low density residentialParcel Size: 0.2 acres (8300 ft²)Tax Parcel #: 4242-73-00-0150Legal Description Attached ☒ Yes ☐ No

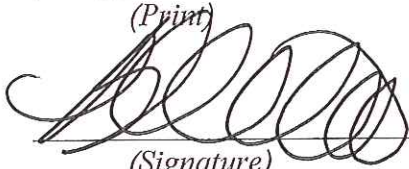
Survey Attached

☒ Yes☐ No

Pre-Application Meeting Date: 3-29-16
(Attach Pre-Application Form)

Application Fee: \$ 1050

Applicant's Signature: _____
(Signature) (Date)

Owner's Signature: 
(Provide letter of Authorization) (Signature) (Date)
4.5.16

Barbara L Wolverton
(Print)

Applications must be complete to initiate the preview process.

Any questions please contact our City Planner, Tom Harowski at (386) 248-9424, fax (386) 248-9498 or email him at tharowski@hollyhillfl.org



CITY OF HOLLY HILL VARIANCE CHECKLIST AND REQUIREMENTS

VARIANCE APPLICATION CHECKLIST

- ☒ Pre-Application Meeting Form completed and meeting held prior to completion of application
- ☒ Application Fee and Estimated Deposit
- ☒ Completed Variance Application
- ☒ List of property owners requiring individual notification
- ☒ One signed and sealed surveys of the property (no more than 2 years old).
- ☒ Legal Description (Digital in MS Word)
- ☐ Notarized Authorization of Owner (if applicant is other than owner or attorney for owner).
- ☐ A Description of the Variance and how it complies with the City Code, Sec. 82-317.

PUBLIC NOTIFICATION (Sec. 82-314)

- a) The applicant shall provide written notice to property owners regarding his intention to seek a variance and shall pay all costs of providing such notice as follows:
 - 1) An applicant seeking a variance for property located in any single-family or multifamily residential zoning district (R-1 through R-9) shall provide written notice to abutting property owners, as identified in the current tax roll.
 - 2) An applicant seeking a variance for property in any commercial or industrial zoning district (B-1 through B-6, CC-1, I-1 and I-2) shall provide written notice to property owners, as identified in the current tax roll, within 300 feet of the property perimeter which is the subject of a variance request.
 - 3) In addition to written notice provided in accordance with either subsection (1) or (2) of this section, city staff shall also post a notice on the subject property ten days prior to the board of planning and appeals meeting. Two signs shall be posted on corner properties.
- b) A notice letter will be provided to the applicant by the City. The written notices shall be made at least ten days prior to the date of hearing before the board of planning and appeals. The written notice shall be sent by certified mail, return receipt requested.

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VARIANCE REQUIREMENTS

The following items must be completed in sufficient detail to allow the City to determine if the application complies with the criteria for approving a variance.

1. What special condition(s) and circumstance(s) exist that are peculiar to your land, structure, building, or sign and are not applicable to other lands, structures, buildings, or signs in the same zoning classification?

The front and rear setbacks do not meet the current requirements.

2. Were these special condition(s) and circumstance(s) the result of actions by you? ☐ YES ☒ NO
If Yes, Explain.

These conditions existed when the building was built.

3. Would literal interpretation of the code deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the City Code? ☒ YES ☐ NO If Yes, Explain

The property is a two family home with only one garage. A second garage is consistent with the features of the other homes in the area.

4. Will granting the variance requested confer on the applicant any special privilege that is denied by code to other lands, buildings or structures in the same zoning district? ☐ YES ☒ NO Explain

I am simply bringing the property to the current standard of other homes in the area.

5. Explain how the Variance(s) you are requesting is/are the minimum Variance(s) that will make it possible for you to make reasonable use of your land, building, structure or sign.

The variance being requested for the setbacks is the minimum required to build a one car garage. Since the original construction does not meet the current setbacks, the proposed change will be of similar non compliance.

6. Would the granting of the variance be in harmony with the general intent and purpose of the Code and the city's comprehensive plan? ☒ YES ☐ NO Explain

The property is a two family home. The property currently only has one garage. Adding a second garage is consistent with the subparts intent to provide adequate and safe storage of vehicles. The property is low density residential. In reading and reviewing chapter 3 of the comprehensive plan, there does not appear to be any conflict.

7. Would the granting of the variance be injurious to the area involved or otherwise detrimental to the public welfare? ☐ YES ☒ NO Explain

There are no houses behind this house. The side where the garage will be added is closest to the driveways of the closest house. We will landscape in a way that will provide a pleasant view for the neighbors. I have spoken with both of the homeowners of the closest house and they have no problem with the addition of the garage.

8. The general intent and purpose of the Comprehensive Plan Ordinance (Section 78-5) is to foster and preserve public health, safety, comfort and welfare, and aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the city. Is your request for Variance(s) consistent with this intent and purpose? ☒ YES ☐ NO Explain

Having covered parking is safer and more aesthetically pleasing. Adding the garage will make the property more consistent with the Comprehensive plan's intents and purposes.

Barbara L Wolverton

Print Applicant Name

Applicant Signature

Print Applicant Name

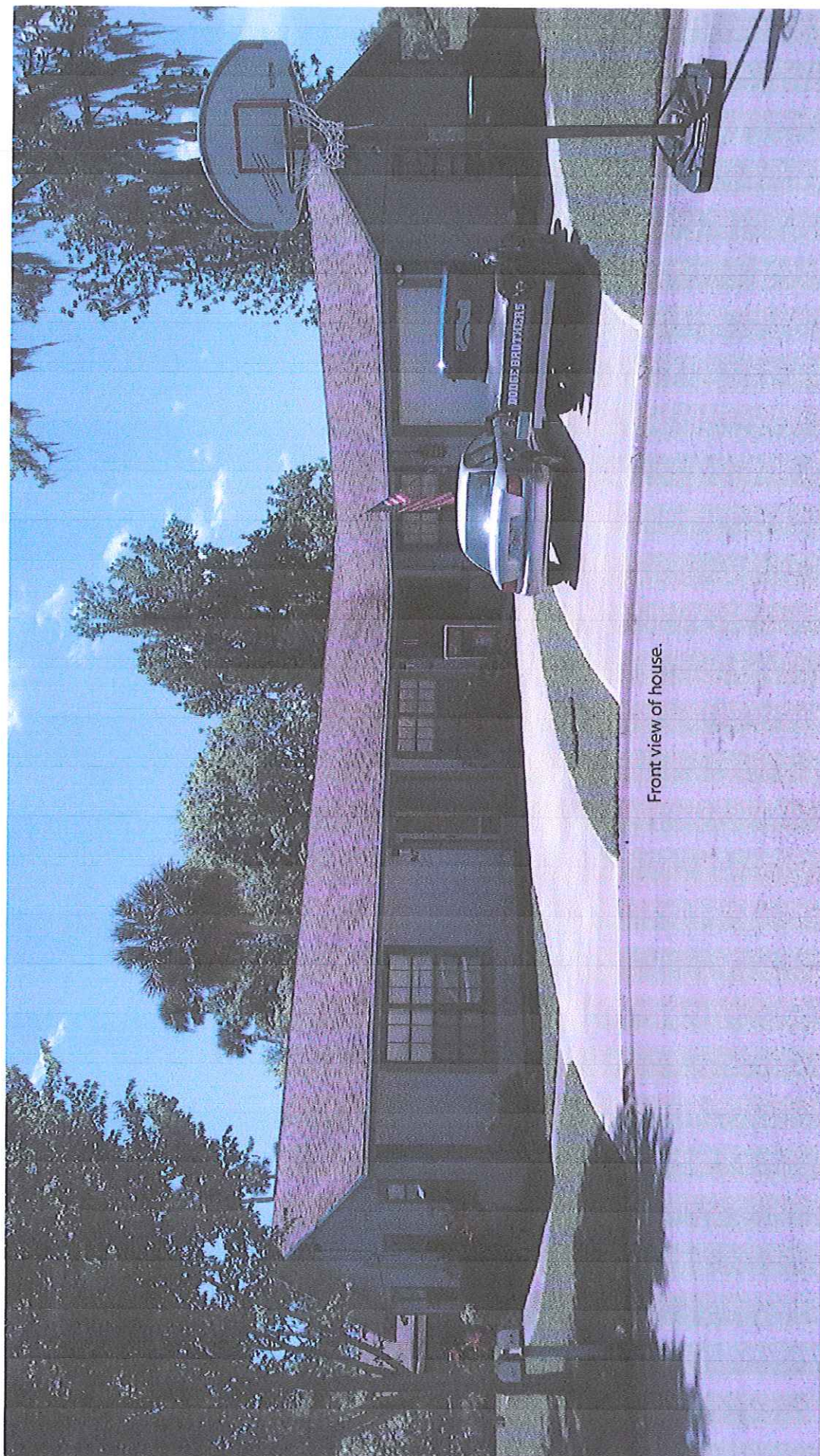
Applicant Signature

Date

Date

4.5.16

917-919 New Castle Ct Variance



Front view of house.



This is the side the garage will be added to.
Please note the closest house has it's drive-
way facing the garage.



The other side of the house. We could landscape the side where the new garage will be similar to what we did on this side.



The back of the house, behind the existing garage. Please note there is just a field behind it. No houses.



REVISIONS:

ADAM I. FEINSTEIN
DRAFTER
(386) 334-4609
ADAMFEINSTEIN@OUTLOOK.COM

WOLVERTON RESIDENCE ADDITION

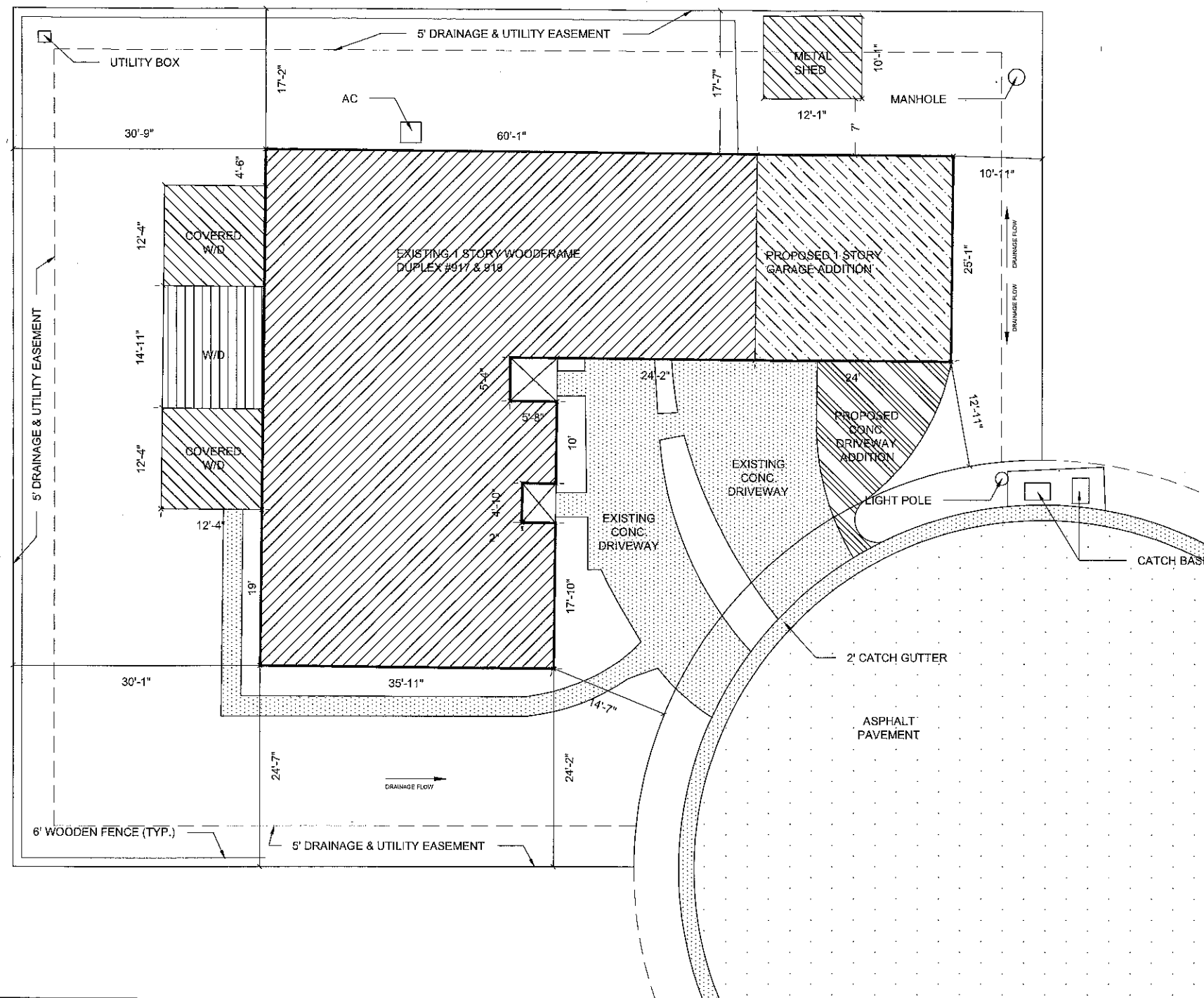
DATE: 01/08/2016

SCALE: 1/16" = 1'-0"

ZONING: R-5

SITE PLAN

3.0



AREA CALCULATIONS

TOTAL ACRAGE	25.71 ACRES (11200sq.ft)
PERVIOUS SURFACE COVERAGE:	6188 SQ. FT. (55.3%)
IMPERVIOUS SURFACE COVERAGE:	5012 SQ. FT. (44.7%)
CURRENT BUILDING SQUARE FOOTAGE:	3303 SQ. FT.
FUTURE BUILDING SQUARE FOOTAGE:	3905 SQ. FT.



MAP OF SURVEY
"BOUNDARY SURVEY"

SHEET 2 OF 3, NOT VALID WITHOUT SHEETS 1 AND 3.

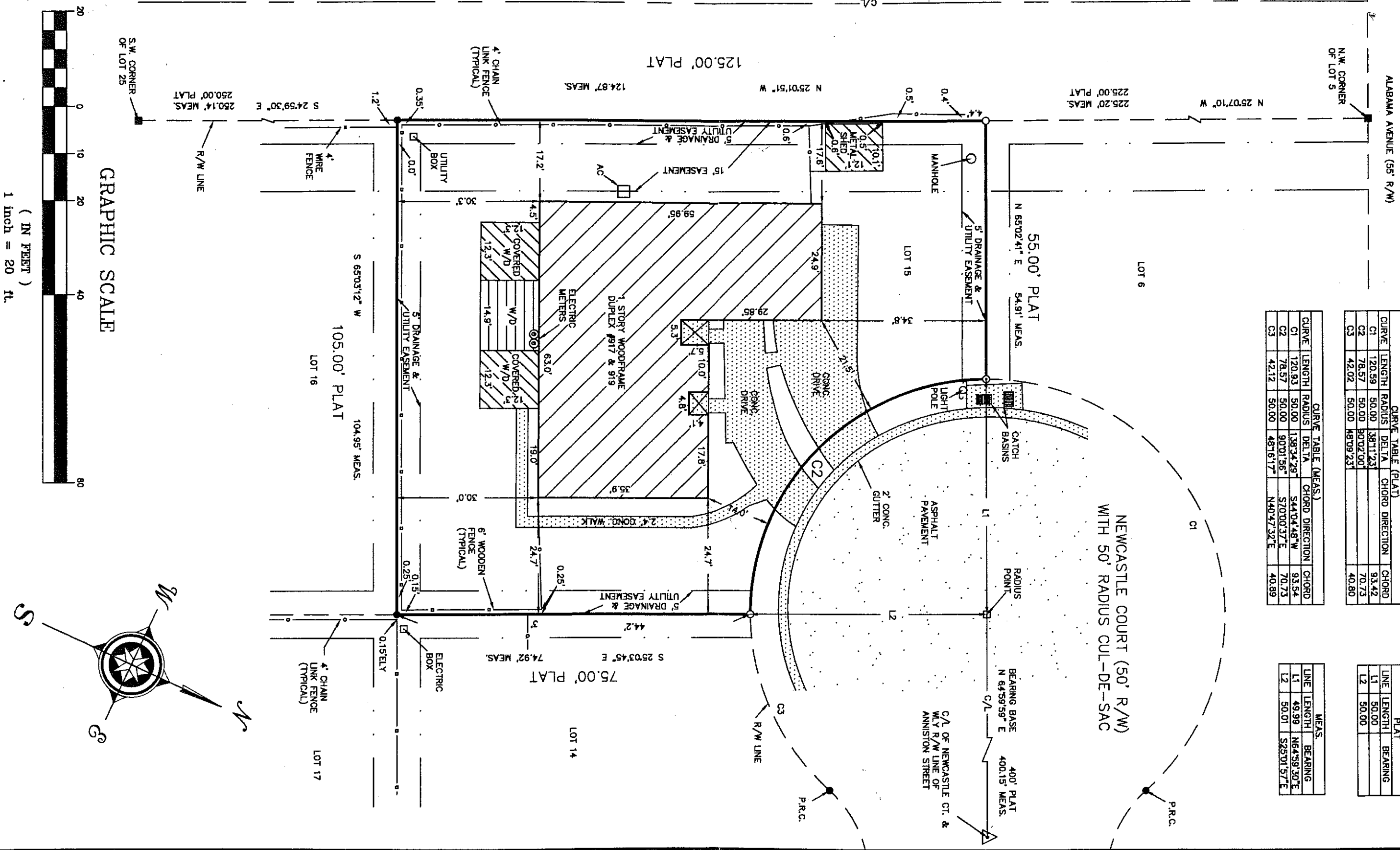
JOB # 2011-037
COPYRIGHT: AVALAND SURVEYING, INC., 6/06/11
ALL RIGHTS RESERVED.

CURVE TABLE (PLAT)				
CURVE	LENGTH	RADIUS	DELTA	CHORD DIRECTION
C1	120.59	50.00	38°11'23"	93.42
C2	78.57	50.00	90°02'00"	70.73
C3	42.02	50.00	88°09'23"	40.80

PLAT	
LINE	LENGTH BEARING
L1	50.00
L2	50.00

CURVE TABLE (MEAS.)				
CURVE	LENGTH	RADIUS	DELTA	CHORD DIRECTION
C1	120.93	50.00	136°34'29"	S44°04'48"W
C2	78.57	50.00	90°01'56"	S70°00'37"E
C3	42.12	50.00	48°16'17"	N40°47'32"E

MEAS.	
LINE	LENGTH BEARING
L1	49.99 N64°59'30"E
L2	50.01 S25°01'57"E





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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: May 2, 2016
FROM: Thomas Harowski
SUBJECT: Food Truck Discussion Consideration of a Proposal to Allow Food Trucks to Operate Within the City of Holly Hill.
NUMBER: (ID # 1320)
APPLICANT: City of Holly Hill
PLANNER: Thomas Harowski

INTRODUCTION: The City Commission has requested a review of the options and opportunities related to food trucks operating within the City of Holly Hill. As this process will eventually call for consideration of amendments to the Land Development Code, the Board of Planning and Appeals is being requested to review the activity and provide a recommendation to the City Commission.

BACKGROUND: The City Commission is interested in the potential for a regular City-sponsored event that would be based on food trucks, and several merchants have inquired about the opportunity to have food trucks periodically sell food at their business sites as a means of generating additional customer traffic. The use of food trucks as part of special event activities has been established in the City through events such as the “Bike Week” and “Biketoberfest” and “Trunk or Treat” among other events. A City-sanctions special event based around food trucks would be somewhat different, but not a cosmic leap from past special events.

Outside of special events the City has not permitted food truck sales activity. We do approve commissaries which are bases of operation for food trucks, but we do not permit sales activity. In the literature on food trucks there are three basic types of vehicles that are discussed. A lunch truck serves pre-packaged food but does not cook on the vehicle. The food truck cooks on the vehicle, and the food cart serves foods but is not motorized. Some codes also identify a peddler which requires the food vendor to be in motion except when a sale is being conducted (like the traditional ice cream truck).

Food trucks have seen increased popularity in recent years through increased exposure through television such as the Food Channel and through other outlets such as social media. However, food trucks do not come without some issues. These are discussed below.

DISCUSSION: In looking at the programs from other jurisdictions, I have identified five areas of concern that are regulated in at least some communities along with some basic data that most communities require. The key areas of concern include:

Health Compliance: What standards are applied to ensure that food served from the truck is safe.

Conflict with Brick & Mortar Restaurants: In some cases, restaurants that serve from brick and mortar locations object to food trucks competing with them on what they regard is an unfair playing field.

Cleanliness of the vending area: If food truck activity is allowed, what standards are needed to ensure that trash and litter is controlled.

Restrooms: What restroom options are available for food truck patrons.

Noise: Some food trucks are equipped with speakers to play music, and in some cases live entertainment has been provided. What controls may be needed to regulate noise nuisances on other properties.

Parking: Most local governments do not require additional parking to support a food truck.

Signage: The rules should address what type of signage is permitted.

Staff reviewed a number of established programs in other communities. This review identified some responses to these issues that are currently part of regulations or which have been tried. The response that communities have offered to these issues are listed below:

Health Compliance

- Require a state certificate of inspection
- Require local business tax receipts
- No discharge of grease or other cooking waste is permitted

These requirements are typically standard for most jurisdictions. There is an established process through the Health Department for initial and regular inspections of food truck operations. In order to begin service, the City would want a copy of the most recent certification. The operations need to be self-contained so that no grease or cooking waste is left on the property once the food truck leaves.

The business tax receipt is a less certain requirement. Some guidance will be required from our legal advisor as to whether a BTR can be required for a temporary business site. If the sales site can be considered a branch site, it may be possible to require a BTR for a food truck operating out of another jurisdiction. The section we located from the State laws on business taxes are provided in an attachment to this report.

Conflict with Brick & Mortar Restaurants

- Limit the number of days a week a mobile vendor can open
 - Limit the number of days per year a mobile vendor can open
 - Spacing requirements from existing restaurants
 - Underlying zoning must permit restaurants
 - Limit the number of vendors that may be permitted at a given location
 - Limit areas in the jurisdiction where mobile vending is permitted
- (Note: When there is a restriction on the number of days a mobile vendor can be open, special event days do not count against the time periods.)

Established brick and mortar restaurants may have concerns about permitting food trucks as competition for their businesses when a food truck is not paying the same business operating expenses for rent, operating expenses and business taxes. The techniques some communities have used when responding to these concerns have been limitations on the number of operating days and limitations on locations. One community has a process where neighborhoods could file a request to allow food trucks in their area, while it is common to see communities declare exclusion areas where food trucks are prohibited. These tended to be traditional downtown areas and redevelopment areas where this technique is used.

Most communities limit food trucks to commercially developed areas, and they prohibit the use of vacant lots as food truck locations. The regulations are mixed when it comes to the use of right-of-way as a food truck business location.

Cleanliness of the vending area

- Require the vendor to provide trash receptacles
- Prohibit use of Styrofoam containers
- Require property owner to clean up area as well

Food trucks are typically required to provide trash containers and to remove all trash and debris once they close operations. Limiting food trucks to private property helps with maintaining clean areas as the property owner can be held responsible for the condition of the site.

Restrooms

- Not typically addressed
- Require owner to make accessible

As noted, this is an apparent issue, but not one that appeared in most regulations. As noted, the property owner can be made responsible to provide restroom facilities when needed.

Noise

- Prohibit amplified sound
- Have setback from residential areas
- Limit hours of operation

Noise has been an issue as with any outdoor activity. Food trucks have been known to include amplified music and even live music in some cases. Setbacks

from residential areas are common as are limits on the hours of operation. Prohibition of amplified sound is also common.

Parking

The local government programs reviewed did not require additional parking be provided for a food truck. The assumption is apparently that the host business understands that it is surrendering spaces when they agree to allow the food truck on their site. There are some communities which prohibit the food truck from blocking parking spaces or drive aisles. Otherwise this topic is addressed through the site plan review process.

In many instances food trucks are located in high density commercial areas where there is a high volume of pedestrian traffic that would not require parking. The Board may want to consider a regulation or requirement with regard to parking.

Signage

The food truck menu board is typically placed on the vehicle. Communities offer additional signage options such as an a-frame sign that may be placed as a temporary sign on the host property advertising the presence of the food truck.

The applications require the same basic set of information about the business and the property location. The list below includes the most common conditions for operations in addition to time limits. The final list would depend on the specifics recommended and approved by the City Commission.

- Property owner approval
- Not allowed on streets or sidewalks
- Limited to commercial areas
- Not allowed on vacant lots
- Must be on paved surface (can't damage landscaping)
- Site plan of use area is required
- Some jurisdictions require general liability insurance
- Vendor contact data is required
- Photo of vendor and vehicle
- Business licenses

RECOMMENDATION: This item is provided for discussion and recommendation to the City Commission.