

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA • MAY 6, 2024

City Commission Chamber BOPA Regular Meeting 6:00 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
Dennis Smith

Board Member
Loretta Arthur

Board Member
Tony Cassata

Board Member
Lorraine Geiger

CITY PLANNER
Brian Walker

Building & Zoning
Leslie Montgomery

- 1. **CALL TO ORDER**
- 2. **ROLL CALL**
- 3. **INVOCATION**
- 4. **PLEDGE OF ALLEGIANCE**
- 5. **MINUTES - ON NEXT MEETING**
- 6. **AGENDA ITEM(S) - NONE**
- 7. **ORDINANCES**

1. Ordinance An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations Chapter 82, Administration, Article V. - Appeals, Variances, Special Exceptions, Rezoning and Future Land Use Map Amendments, Division 5. - Rezoning and Future Land Use Map Amendments, Adding Requirements for Neighborhood Meetings; Renumbering Subsections; and Providing for Conflicts, Severability, Applicability, and an Effective Date.

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

2. Ordinance An Ordinance of the City of Holly Hill, Florida, Creating Separation Requirements and Adding Definitions; Amending Sections 114-353 and 114-593 and 78-14 of the City Code; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

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

- 8. **OLD BUSINESS**
- 9. **BOARD / STAFF COMMUNICATIONS**
- 10. **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
Ordinance**

MEETING DATE: May 6, 2024
FROM: Brian Walker
SUBJECT: An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations Chapter 82, Administration, Article V. - Appeals, Variances, Special Exceptions, Rezoning and Future Land Use Map Amendments, Division 5. - Rezoning and Future Land Use Map Amendments, Adding Requirements for Neighborhood Meetings; Renumbering Subsections; and Providing for Conflicts, Severability, Applicability, and an Effective Date.
NUMBER: (ID # 4496)
APPLICANT: Brian Walker
PLANNER:

Discussion:

Citizen involvement is a key component of land use decisions. Within the City of Holly Hill, the Comprehensive Plan is just one document that demonstrates the importance of citizen feedback. For example, with regard to the CRA Master Plan, it shows that such plan must represent the “**citizens vision** for redevelopment and growth.” With regard to recreation programs it states that such programs must be responsive to the **demands of the citizenry**. And a final example states that “the City’s facility needs and program planning shall be determined through a continuous assessment of facility capacities and community needs, thorough surveys, and **citizen responses....**”

In harmony with such citizen involvement, the City has adopted regulations that require that public meetings be held before the Board of Planning and Appeals and the City Commission prior to adopting, among other things, rezones and land use amendments that affect the citizens of an area.

However, it has often been found that there are important questions and concerns from neighbors who would be affected by a developer’s proposed project, that come up at public meetings but that would have been better addressed by the developer in an informal meeting with the neighbors prior to the public hearing. For this reason, many jurisdictions have a requirement that developers hold a neighborhood meeting prior to a proposal going before an appointed or elected body.

Neighborhood meetings are used as a tool in the land use process for a variety of reasons. These types of meetings provide an opportunity for residents in the immediate areas near a future project to gather information, preview a project proposal, and ask questions of the developer or applicant. In most communities, the intent of holding a neighborhood meeting is to provide an

opportunity for affected property owners to provide input on a project earlier on in the project development or planning phases. The idea behind this is that project specifics could be revised based on the feedback received at neighborhood meetings, prior to an official land use application being submitted for City review. This could result in the submittal of land use applications that are more responsive to neighborhood concerns and could expedite the review and public hearing processes.

Based on the productive information that can be provided to citizens via a neighborhood meeting, the City Commission instructed staff to explore implementing such a requirement for certain types of projects within the City of Holly Hill. The proposed Ordinance addresses the requirement for a public meeting by proposing that a neighborhood meeting be required for the following types of projects:

- (a) Comprehensive plan amendment for a commercial or multifamily use abutting a single-family district.
- (b) Comprehensive plan amendment that increases density or FAR adjacent to a single-family use.
- (c) Rezoning to a non-residential or multifamily use adjacent to a single-family use.
- (d) As directed by the Community Development Director based on size and potential impacts of the proposed development.

The Ordinance also addresses procedures related to holding such meetings.

Staff Recommendation:

Staff recommends an Ordinance of the City of Holly Hill, Florida, amending the Land Development Regulations Chapter 82, Administration, Article V. - Appeals, variances, special exceptions, rezoning and future land use map amendments, Division 5. - rezoning and future land use map amendments, adding requirements for neighborhood meetings; renumbering subsections; and providing for conflicts, severability, applicability, and an effective date.

Ordinance No. (ID # 4496)

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS CHAPTER 82, ADMINISTRATION, ARTICLE V. - APPEALS, VARIANCES, SPECIAL EXCEPTIONS, REZONING AND FUTURE LAND USE MAP AMENDMENTS, DIVISION 5. - REZONING AND FUTURE LAND USE MAP AMENDMENTS, ADDING REQUIREMENTS FOR NEIGHBORHOOD MEETINGS; RENUMBERING SUBSECTIONS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, AND AN EFFECTIVE DATE.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS CHAPTER 82, ADMINISTRATION, ARTICLE V. - APPEALS, VARIANCES, SPECIAL EXCEPTIONS, REZONING AND FUTURE LAND USE MAP AMENDMENTS, DIVISION 5. - REZONING AND FUTURE LAND USE MAP AMENDMENTS, ADDING REQUIREMENTS FOR NEIGHBORHOOD MEETINGS; RENUMBERING SUBSECTIONS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, APPLICABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, *Florida Statutes*, include authority to enact regulations to protect the health, safety, and welfare, and in the interest of the citizens of the City; and

WHEREAS, the purpose of a neighborhood meeting is to provide an opportunity where an applicant and the community can meet and discuss a proposed development in an informal environment, to inform and contribute to the community's understanding and knowledge about a proposed development, and afford citizens and other affected parties an opportunity to discuss an applicant's development proposal and express concerns, issues or problems they may have with the proposal in advance of the public hearing; and

WHEREAS, the City of Holly Hill does not currently require neighborhood meetings; and

WHEREAS, the City of Holly Hill desires to create specific requirements relating to neighborhood meetings; and

WHEREAS, the City of Holly Hill City Council finds the proposed amendment to the *Land Development Code* to be consistent with the provisions of the *Comprehensive Plan* of the City of Holly Hill, and that it is in the best interest and welfare of the citizens of the City to enact this Ordinance; and

WHEREAS, the City of Holly Hill has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance including but not limited to Section 166.041(3)(c)(2), *Florida Statutes*; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY, FLORIDA THAT:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Adoption. The City Council of the City of Holly Hill hereby amends “Chapter 82, of the Land Development Code of the City of Holly Hill, entitled Administration, Article V. - Appeals, Variances, Special Exceptions, Rezoning and Future Land Use Map Amendments, Division 5. - Rezoning and Future Land Use Map Amendments” to add the following:

Sec. 82-376. - Neighborhood Meeting

(a) *Applicability.*

(1) *Neighborhood meeting mandatory.* A neighborhood meeting is required at least 14 days before any of the following applications are reviewed by the Board of Planning and Appeals (if applicable). If a resubmittal on the subject development application is not received within six months of the neighborhood meeting, a subsequent neighborhood meeting may be required. This requirement does not apply if the application is one initiated by the City of Holly Hill.

(a) Comprehensive plan amendment for a commercial or multifamily use abutting a single-family district.

- (b) Comprehensive plan amendment that increases density or FAR adjacent to a single-family use.
 - (c) Rezoning to a non-residential or multifamily use adjacent to a single-family use.
 - (d) As directed by the Community Development Director based on size and potential impacts of the proposed development.
- (2) *Neighborhood meeting optional.* A neighborhood meeting is encouraged, but not required, of any application for a development reviewed under this code other than those listed in subparagraph (1) above.
- (b) *Procedure.* If a neighborhood meeting is held by the applicant, whether it is mandatory or voluntary, it shall comply with the following procedures.
- (1) *Time and place.* The meeting shall be held at a place that is convenient and accessible to neighbors residing within a 300 foot radius of the land subject to the application. It shall not be scheduled before 6:00 p.m. and shall be scheduled on a non-holiday weekday. The meeting shall not occur on the same night as a planning commission or city council meeting.
 - (2) *Mail notice.* The applicant shall mail notice of the meeting date, time, place and general nature of the development proposal, a minimum of ten days in advance of the meeting, to all property owners and adjacent neighborhood home owner associations inside a radius of 300 feet, including property owners that may be located within a different jurisdiction, from the boundary of the proposed development. Documentation of the mailed notice in the form of a stamped mailing list by the local postal office or comparable certification signifying the notice was sent shall be provided to staff for verification.
 - (3) *Posted notice.* The applicant shall post the property subject to the development application with a sign(s) notice of the neighborhood meeting at least ten days before the date fixed for the meeting. The sign shall be at least 24 inches by 36 inches and in a form that is weatherproof and legible to the public without the need to trespass onto to subject property. The notice shall state the time, date, and place of the meeting, summary of the development proposal, and the applicant's contact information for further information. Signs shall be placed, at a minimum, along all public road frontages but out of public right-of-way.
 - (4) *Conduct of meeting.* A sign-in sheet shall be provided to list those in attendance that provides spaces for the name, address and telephone number of those in attendance. At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to questions and concerns neighbors raise about the application, propose ways to resolve conflicts and concerns.
 - (5) *Written summary of neighborhood meeting.* The applicant shall submit a written summary of the meeting to city staff no more than 7 days after the meeting. The summary shall include a list of meeting attendees, a summary of attendee comments, and issues discussed. A meeting before the Board of Planning and Appeals will not be heard until such written summary has been provided to City staff.

SECTION 3. Applicability. This ordinance shall not apply to complete and paid applications submitted prior to the adoption of this Ordinance.

SECTION 4. Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

SECTION 5. Codification. The provisions of this Ordinance, including its recitals, shall become and be made a part of the City of Holly Hill's Land Development Code and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 1, 3, 4, 5, 6, 7, and 8 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 6. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon enactment.



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

**Board of Planning and Appeals
Ordinance**

MEETING DATE: May 6, 2024
FROM: Brian Walker
SUBJECT: An Ordinance of the City of Holly Hill, Florida, Creating Separation Requirements and Adding Definitions; Amending Sections 114-353 and 114-593 and 78-14 of the City Code; Providing for Codification; Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.
NUMBER: (ID # 4497)
APPLICANT: Brian Walker
PLANNER:

DISCUSSION

In 2014 the Compassionate Use Act legalized low-THC medical cannabis for patients with cancer and epilepsy and ALS.

In November of 2016, the Florida Medical Marijuana Legalization Initiative referendum (Amendment 2) passed with 71.3% of the vote, which expanded the medical marijuana program.

While the Florida legislature worked on establishing the rules for administration of the production and distribution systems for medical marijuana, and how such would affect local zoning regulations, the City adopted Ordinance 2988 which established a twelve month marijuana moratorium.

In 2017, the Florida legislature established a framework for the medical marijuana industry. Within those guidelines, the legislature mandated that municipalities could either outright ban medical marijuana dispensaries or permit them anywhere that a prescription pharmacy is permitted. While many municipalities decided to ban medical marijuana facilities, the Holly Hill City Commission chose to respect the will of the voters by repealing the moratorium and allow licensed medical marijuana dispensaries within the City.

As the number of dispensaries grows within the State, there has been concern regarding negative impacts resulting from clusters of multiple state-licensed marijuana retail facilities located in close proximity. While this has not become a problem within the City as of yet, the City would like to be proactive in avoiding potential negative impacts. For this reason, staff is proposing that a minimum distance of one mile be required between pharmacies - which includes medical marijuana dispensaries.

To establish the minimum distance requirement, the following language is proposed:

Pharmacies, to include licensed medical marijuana treatment centers/dispensaries, shall not be located within one mile “as the crow flies” of another pharmacy. The distance shall be measured as the linear distance between the two closest property lines.

In order to clarify what is meant by the term “pharmacy, staff is also proposing that a definition be added to the Definitions portion of the Land Development Regulations as follows:

Pharmacy. An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service (see Drive-Through Service). The term also includes licensed medical marijuana treatment centers / dispensaries.

FISCAL ANALYSIS:

The proposed ordinance does not have any fiscal impact.

STAFF RECOMMENDATION:

Staff recommends that the City Commission adopt an Ordinance of the City of Holly Hill, Florida, creating separation requirements between pharmacies, including medical marijuana dispensaries, and adding definitions; amending sections 114-353 and 114-593 and 78-14 of the Land Development Regulations; providing for codification; providing for conflicting ordinances; providing for severability; and providing an effective date.

ATTACHMENTS:

- Pharmacy Location Map as of 4-23-24 (PDF)

Ordinance No. (ID # 4497)

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, CREATING SEPARATION REQUIREMENTS AND ADDING DEFINITIONS; AMENDING SECTIONS 114-353 AND 114-593 AND 78-14 OF THE CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, CREATING SEPARATION REQUIREMENTS AND ADDING DEFINITIONS; AMENDING SECTIONS 114-353 AND 114-593 AND 78-14 OF THE CITY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission desires to clearly define what is meant by a “pharmacy;” and

WHEREAS, the Florida Legislature has required that medical marijuana dispensaries be allowed anywhere a pharmacy is sited, or not allowed at all; and

WHEREAS, the City Commission desires to respect the will of the voters by allowing licensed medical marijuana dispensaries; and

WHEREAS, the City desires to prevent negative impacts resulting from clusters of multiple state-licensed marijuana retail facilities located in close proximity,

WHEREAS, the City Commission recognizes the need for reasonable regulations intended to provide economic development and entrepreneurial opportunities while also protecting and promoting the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill;

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. Add the following definition to Chapter 78 - GENERAL PROVISIONS, Sec. 78-14. - Definitions.

Pharmacy. An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service. The term also includes licensed medical marijuana treatment centers / dispensaries.

SECTION 3. That the entire language of Sections 114-353 (5) and 114-593 (26) is repealed and replaced with the following:

Pharmacies, to include licensed medical marijuana treatment centers/dispensaries, shall not be located within one mile “as the crow flies” of another pharmacy. The distance shall be measured as the linear distance between the two closest property lines.

SECTION 4. 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 5. 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 6. CODIFICATION

The provisions of this Ordinance, including its recitals, shall become and be made a part of the City of Holly Hill’s Land Development Code and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 1, 4, 5, 6, 7, and 8 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 7. APPLICABILITY

Pharmacies that do not meet the requirements of this Ordinance and that exist at the time of the passage of this Ordinance, may be continue.

SECTION 8. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption.

DISTANCES BETWEEN A SAMPLING OF PHARMACIES AND MEDICAL MARIJUANA DISPENSARIES MEASURED IN MILES AS THE CROW FLIES



- 1. GREEN DRAGON
915 RIDGEWOOD
- 2. FLUENT
555 RIDGEWOOD
- 3. VIDACANN
1027 N NOVA
- 4. WALGREENS
1600 N NOVA
- 5. WALMART
1905 N NOVA
- 6. PUBLIX
1850 RIDGEWOOD
- 7. FHC
1510 RIDGEWOOD

● Pharmacy

● Medical Marijuana

———— 1.08 miles

———— .89 miles

———— 1.30 miles

———— .82 miles

———— 1.0 miles
Only the 1 mile line is to scale

Attachment: Pharmacy Location Map as of 4-23-24 (4497 : Pharmacy Separation Requirements)