



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, July 18, 2016

6:30 PM

City Commission Chamber

I. 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	☐	☐	☐	

II. Invocation

III. Pledge of Allegiance

IV. Minutes Approval

1. Agenda Item (ID # 1352)

Minutes

DISCUSSION: Approve May 2, 2016 BOPA Meeting Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Minutes of May 2, 2016 Meeting

COMMISSION GOAL: N/A

MOTION: As determined by the Board

ATTACHMENTS:

- May 2, 2016 Minutes (PDF)

V. Agenda Item

1. Agenda Item (ID # 1371)

Food Truck Proposal A Proposal to Allow Food Truck Operations by Permit at Business, Industrial and Civic Locations Within the City of Holly Hill

INTRODUCTION: At the May BOPA meeting the Board considered a report on food truck operations and directed staff to bring forward a proposal to permit food trucks in the City for occasions in addition to City sanctioned and City sponsored events. This proposal is offered in response to the BOPA direction.

BACKGROUND: Food trucks have seen increased popularity in recent years through increased exposure through television programs on channels such as the Food Channel and through other outlets such as social media. At the May BOPA meeting the Board considered a staff report that discussed food truck operations and issues related to food truck operations including:

- Health Compliance
- Conflict with brick and mortar restaurants
- Cleanliness of the vending area
- Restrooms
- Noise
- Parking
- Signage

The staff report discussed each of these issues and provided suggestions on how these issues could be addressed in a proposed regulation. The Board directed staff to prepare a specific proposal that could serve as a starting point for discussion of a permit process for recommendation to the City Commission.

DISCUSSION: A review of the land development regulations suggests that the most appropriate location for a food truck permit process is to add a section to Division 11 of the land development code. This Division currently includes a section on outdoor display of merchandise by businesses and a section on special use permits for activities such as Bike Week, Biketoberfest and holiday sales of Christmas trees and pumpkins. This is also the Division where we are considering adding a new section governing special events other than those covered by special use permits. The food truck authorization may be considered a class of special event and may best be placed with this group of regulations.

The staff proposal is offered below and covers most of the issue areas noted previously.

Food Truck Service: Non-residential locations may apply for temporary permits to allow food truck operations subject to compliance with the following conditions. Vacant lots may not host food trucks and food trucks may not serve from public streets and rights-of-way.

1. All food truck units shall comply with State requirements for food service and display certification of compliance.
2. No discharge of grease or other cooking waste is permitted

3. The property owner is responsible for the provision of trash receptacles and the cleanliness of the service and dining area.
4. The property owner is responsible for the provision of restroom facilities.
5. No site may host food trucks for more than one day per week and no more than 25 days per year. Food truck operations approved as part of a City-sponsored special event or under a special use permit issued per Section 114-902 shall not count against the day limitations of this section.
6. Food trucks may not occupy more than 20% of the vehicular use area or disrupt parking area operation. Food trucks may not be parked in landscaped areas.
7. Temporary dining areas may be provided in association with the food truck operations. The temporary dining area may be located in landscaped areas exclusive of planting beds and landscaped buffers.
8. Any music provided shall comply with the City's standard noise ordinance.
9. Food trucks may place one supplemental a-frame or similar temporary sign not to exceed six (6) square feet of area.
10. Each food truck location shall obtain a permit from the City at least seven (7) days prior to opening for business. A single permit may include multiple business dates. The permit application shall be on a form issued by the City and contain at a minimum the following information:
 - a. Location address
 - b. Property owner approval
 - c. Dimensioned sketch of the proposed location showing compliance with the requirements set forth above.
 - d. Proposed date(s) and hours of operation
 - e. Owner contact information
 - f. Vendor contact information
 - g. Photo of the vendor and food truck
 - h. Fees as established by the City Commission

The proposed regulation has been constructed to address the issues noted in our previous analysis. The following comments are offered as additional explanation about how the proposed regulation is intended to address the planning and operational concerns.

- The proposal will allow food trucks in commercial and industrial areas and in residential areas where civic uses are established. For example, a church in a residentially zoned area could host a food truck.
- Items 1 through 4 are intended to address the cleanliness and operational needs of the service area during and following the activity. These sections make the owner responsible for these issues so that code enforcement has a specific control if problems occur.
- The limitation on the number of days per location and number of days per week is to help mitigate any negative impacts with our brick and mortar restaurants. The rule will allow a location to host a food truck about every other week on average.
- Items 6 and 7 go to on-site operations. The area limitations will effectively limit the number of food trucks that can be placed at a given location. A business with a large parking area (Florida Health Care for example) could host multiple food trucks while a smaller business site may be limited to just one truck. We also discuss where dining areas can be located if the businesses wish to provide picnic tables or something similar. The rule also seeks to maintain basic parking and vehicular maneuvering area for normal parking activity.
- Item 9 provides for some limited additional signage to advertise the location.

Fiscal Analysis: This item has no budgetary impact other than the potential for an increase in receipts of permit fees.

RECOMMENDATION: The Board should review the proposal and make a recommendation to the City Commission based on its assessment of the proposal.

ATTACHMENTS:

- Z-2016-02 BOPA Reports (DOC)
- Root and Tail Farm Comments (PDF)

2. Agenda Item (ID # 1370)

Special Event Ordinance Amend the City's Current Regulations for Special Events to Include a Process for Approving Additional Types of Business and Community Special Events.

INTRODUCTION: City staff has developed a proposed revision to the special events provisions in the land development regulations. This item is being presented to the Board of Planning and Appeals for review and recommendation prior to presentation to the City Commission.

BACKGROUND: The City code does not have a clear process for dealing with special events for business and community activities that are not associated with recognized special events such as Bike Week and Biketoberfest. Section 114-902 of the current code establishes a special use permit for these events, but it does not deal with events such as special business sales, customer appreciation events, grand opening events and similar activities. There have been past attempts to address this issue by

administrative policy, but the situation remains confusing for local businesses. Current staff prefers to include a new section in Division 11 of the land development code that provides clearer guidance for local businesses. A draft ordinance proposal is attached for the Board's review.

DISCUSSION: The proposed ordinance lays out an application procedure with required submittals, a review process including lead times, specifications on how the site can be used, and related procedures.

The key provision is that the proposed ordinance clearly establishes that a business can conduct on-site events such as special sales, grand opening events, customer appreciation events and similar business activities with permits from the City. A business will be entitled to events totaling 20 days per year with a maximum length of 10 days per event. Should a business participate in other special events allowed under Section 114-902, these event days will not count toward the annual total of special event days allowed under the proposed amendment.

The proposed ordinance prohibits special events on vacant property unless specific approval is granted by the City Commission. This provision would exclude someone from renting a vacant lot to sell used cars or some other type of goods, but it keeps the door open for the City Commission to approve a special event that it considers reasonable and valuable to the community.

The review process established by this proposal includes review by a committee composed of zoning, police, fire and public works. Police and fire review gives the City an opportunity to determine if the event requires traffic control support or live safety support. If police and fire services are required, the applicant can hire services privately or potentially make arrangements with the City.

Fiscal Analysis: This item includes permit fees and additional charges as determined by the requirements of the event i.e. public safety or any other governmental services being required. Fees could vary by event.

RECOMMENDATION: Review the draft ordinance proposal for special events and provide recommendations to the City Commission.

ATTACHMENTS:

- Special Event Ordinance July 2016 Draft (DOC)

3. Agenda Item (ID # 1368)

7Th Street Park Map Amendment An Amendment of the Future Land Use Map to Designate the City Owned Property at 7Th Street and Center Avenue as Parks and Open Space in Place of the Current Designation as Medium Density Residential.

INTRODUCTION: The City of Holly Hill is proposing to amend the future land use map to designate City-owned property at Center Avenue and 7th Street as Parks and Open Space to recognize the current use of the parcel.

BACKGROUND: In 2002 the City of Holly Hill purchased a parcel on Center Avenue at 7th Street for stormwater management. Subsequent to the purchase, the City

developed a stormwater pond and supporting infrastructure on the site. In 2015, the City obtained grant funding to develop recreation facilities on the site. The plan calls for construction of a walking path around the existing pond; the addition of playground equipment; and the addition of picnic tables and benches. The project is well underway and the park will be finished later this year.

The property is designated as medium density on the future land use map and zoned R-7 Medium Density Multi-Family Residential. The City is proposing to amend the Future Land Use Map to designate the property as Parks and Open Space to recognize the revised use of the property.

DISCUSSION: The Future Land Use Map provides a graphic representation of the planned use of land within the City. The subject property had been designated for medium density multi-family development until the City purchased the land for stormwater use. Once the stormwater management facilities were developed on the property, no change was made to the comprehensive plan and Future Land Use Map. However, the City decided in 2015 to take advantage of the upland area on the site to expand the use of the site as a public park. This action supports Policy 1.1.2 of the Recreation and Open Space Element which reads:

Policy 1.1.2 - Parks and recreational facilities shall be located throughout the City to allow access opportunities to all segments of the population.

The closest additional recreation facility to the 7th Street Neighborhood Park is essentially Hollyland Park. Centennial Park, Milt Hallman Memorial Park, and Grove Street Park are a little closer but these facilities are passive recreation opportunities that offer very limited recreation facilities. The southeast quadrant of the City has no active recreation facility suitable for smaller children. The new park will expand recreation opportunities in this quadrant of the City.

The facility is anticipated to be a walk-in neighborhood level park where families and individuals can use the walking path in conjunction with the City's sidewalk network to access healthy outdoor walking and jogging activity. The play equipment and picnic facilities will give families and opportunity to access outdoor recreation opportunities closer to their homes. As a neighborhood level facility, the City wishes to encourage park users to walk to the park; however, on-street parking is available on both Center Avenue and 7th Street.

Designation of the property as Parks and Open Space will recognize the revised role of this property in the City's parks network. By formally designating the site as a park, the designation assures that the site will be used in the calculation of locational decisions when spacing from a park is considered as a criterion. Supporting documentation includes the current and proposed Future Land Use Maps.

No action is required with regard to zoning as the R-7 Medium Density Multi-Family Residential District allows City-owned parks and open space as a permitted use. (Refer to Section 114-273 (4))

Fiscal Analysis: This item has no budgetary impact.

RECOMMENDATION: Recommend the City Commission approve the small scale map amendment designating the 7th Street Neighborhood Park as “Parks and Open Space” on the Future Land Use Map and submit the amendment to the Florida Department of Economic Opportunity and the Volusia Growth Management Commission.

In addition staff is recommending the Board of Planning and Appeals recommend the City Commission vacate the underlying Holly Ridge Subdivision. Vacating the plat will clean up the parcel which was once planned for condominium development and eliminate an existing road easement which is no longer required.

ATTACHMENTS:

- 7th Street Park Location Map (PDF)
- Current Future Land Use Map (PDF)
- Proposed Future Land Use Map (PDF)

4. Agenda Item (ID # 1369)

Holly Ridge Subdivision Vacation Vacation of the Holly Ridge Subdivision Plat in Its Entirety.

INTRODUCTION: This application is a request to vacate the Holly Ridge Plat that was approved for a condominium project in 1986 but never developed. The City has subsequently purchased the entire subdivision parcel for use as a stormwater management facility and more recently a public park.

BACKGROUND: The subject property is located on the east side of Center Avenue north of Seventh Street. The Holly Ridge subdivision was approved by the City of Holly Hill in 1986 and recorded in the public records of Volusia County. A copy of the plat is attached. The plat provides for an access easement, 66 condominium units and common area. The project was never developed and in 2002 the City purchased the property for its stormwater management program. Subsequently, the City developed a retention pond on the site along with supporting drainage infrastructure. In 2015, the City applied for grant funding to add recreation facilities to the site in the form of a walking path, playground equipment and picnic facilities. In another application, the City is requesting the future land use designation be changed to Parks and Open Space to reflect the use of the site as a park. The park will open later in 2016.

DISCUSSION: As the City has purchased and developed the entire land area occupied by the Holly Ridge Plat, it makes sense to vacate the plat and return the land to a single parcel. This action will avoid any future issues that might arise from platted easements and planned building sites. This action is more in the line of a housekeeping activity to give the City the cleanest possible parcel. It will also reduce the parcel records that the property appraiser needs to track.

Fiscal Analysis: This item has no budgetary impact.

RECOMMENDATION: Staff recommends the Board of Planning and Appeals recommend the City Commission vacate the Holly Ridge Plat.

ATTACHMENTS:

- Holly Ridge Sub. (PDF)

VI. Old Business**VII. Board/Staff Communications****1. September 5, 2016 BOPA Meeting**

The September BOPA meeting falls on Labor Day. Discuss alternative date for this meeting.

VIII. Adjournment



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: July 18, 2016
FROM: Elizabeth Nelson
SUBJECT: Minutes
NUMBER: (ID # 1352)
APPLICANT:
PLANNER:

DISCUSSION: Approve May 2, 2016 BOPA Meeting Minutes

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Approve Minutes of May 2, 2016 Meeting

COMMISSION GOAL: N/A

MOTION: As determined by the Board

- May 2, 2016 Minutes (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, May 2, 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	Present	
Dorothy Featherston	Board Member	Present	
Jim Legary	Board Member	Present	

2. Invocation

Invocation was given by Chairman Mike Myer.

3. Pledge of Allegiance

Chairman Mike Myer led the Pledge of Allegiance.

4. Minutes Approval

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

COMMENTS - Current Meeting:

Minutes were approved as submitted.

Attachment: May 2, 2016 Minutes (1352 : Minutes)

ATTACHMENTS:

- Minutes - March 7, 2016 (PDF)

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

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.

COMMENTS - Current Meeting:

Tom Harowski, City Planner stated that this request is for a reduction of the 250 foot setback from LPGA Boulevard to 0 to allow an automotive repair business. The property has been used for automotive repair in the past and the building is set up for that type of business. He pointed out that the property is located within the Redevelopment Overlay District which has a prohibition on automotive repair businesses on properties adjacent to Ridgewood Avenue or LPGA Boulevard. The term "adjacent" is defined as the full depth of the property fronting on LPGA Boulevard or 250 feet, whichever is less. This measurement was used to be able to accommodate the properties that are deeper than 250' (Enterprise Court).

He pointed out that this property at one time, did not front on LPGA Boulevard, that there was an additional private property to the south. That property was purchased by Volusia County for the expansion of the LPGA & Ridgewood Avenue intersection and used by the County for stormwater retention, sidewalk and to support any future intersection improvements.

Mr. Harowski, informed the Board that there has been some code enforcement issues with the property and that any relief the Board may warrant, should be conditioned upon full compliance with City codes. He further stated that he does recommend approval of the 250 foot setback relief.

John Oliva, Property Owner stepped to the podium telling the Board that all the surrounding areas are commercial uses and that his building is setup for an automotive repair business. He asked that the Board grant the variance to the set-back requirement and that he will bring the property into compliance with City codes.

Into the motion for approval of the variance request, the Board also added that the property must be brought into compliance with all City codes.

ATTACHMENTS:

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

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

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.

COMMENTS - Current Meeting:

Tom Harowski, City Planner explained the variance request is for 12'1" from the required front yard setback of 25' and a variance of 12'3" from the required 30' rear setback for the permitted construction of a garage. He stated that the property to the west is the retention pond for units in the Mirage development. The minimum spacing between the side of the proposed garage and the front of the neighboring residence meets code requirements.

Mr. Harowski, recommends approval of the requested variances to the front and rear yards, as there will be no adverse impacts to the surrounding properties.

The applicant Barbara Wolverton, 919 New Castle Court stepped to the podium to answer any questions the board may have. The motion was made and passed unanimously.

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)

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

3. Agenda Item 2016-9

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.

COMMENTS - Current Meeting:

Tom Harowski, City Planner summarized his staff report regarding a proposal to allow food trucks to operate within the City limits. 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 to sell food at their business sites. The use of food trucks as part of a special event activity has been established in the City. But outside of special events the City has not permitted food truck sales activities.

Mr. Harowski, explained the different types of food trucks that are operating around the area. He further stated what areas of concern that the City needs to look at regarding these trucks. Staff and the Board discussed the different concerns. Those being: health compliance, conflict with brick and mortar restaurants, cleanliness of the vending area, restrooms, noise, parking and signage.

After a lengthy discussion, Mr. Harowski, was directed by the Board to bring back a set of regulations for further discussion.

RESULT:	PRESENTATION
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6. Old Business

None

7. Board/Staff Communications

There will be no June meeting due to the lack of requests.

The July meeting falls on July 4, 2016. The Board's consensus was to change that meeting date to July 18, 2016.

8. Adjournment

Meeting adjourned at 7:50 pm



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: July 18, 2016
FROM: Thomas Harowski
SUBJECT: Food Truck Proposal A Proposal to Allow Food Truck Operations
by Permit at Business, Industrial and Civic Locations Within
the City of Holly Hill
NUMBER: (ID # 1371)
APPLICANT: City of Holly Hill
PLANNER: Thomas Harowski

INTRODUCTION: At the May BOPA meeting the Board considered a report on food truck operations and directed staff to bring forward a proposal to permit food trucks in the City for occasions in addition to City sanctioned and City sponsored events. This proposal is offered in response to the BOPA direction.

BACKGROUND: Food trucks have seen increased popularity in recent years through increased exposure through television programs on channels such as the Food Channel and through other outlets such as social media. At the May BOPA meeting the Board considered a staff report that discussed food truck operations and issues related to food truck operations including:

- Health Compliance
- Conflict with brick and mortar restaurants
- Cleanliness of the vending area
- Restrooms
- Noise
- Parking
- Signage

The staff report discussed each of these issues and provided suggestions on how these issues could be addressed in a proposed regulation. The Board directed staff to prepare a specific proposal that could serve as a starting point for discussion of a permit process for recommendation to the City Commission.

DISCUSSION: A review of the land development regulations suggests that the most appropriate location for a food truck permit process is to add a section to Division 11 of the land development code. This Division currently includes a section on outdoor display of merchandise by businesses and a section on special use permits for activities such as Bike Week, Biketoberfest and holiday sales of Christmas trees and pumpkins. This is also the Division where we are considering adding a new section governing special events other than those covered by special use permits. The food truck

authorization may be considered a class of special event and may best be placed with this group of regulations.

The staff proposal is offered below and covers most of the issue areas noted previously.

Food Truck Service: Non-residential locations may apply for temporary permits to allow food truck operations subject to compliance with the following conditions. Vacant lots may not host food trucks and food trucks may not serve from public streets and rights-of-way.

1. All food truck units shall comply with State requirements for food service and display certification of compliance.
2. No discharge of grease or other cooking waste is permitted
3. The property owner is responsible for the provision of trash receptacles and the cleanliness of the service and dining area.
4. The property owner is responsible for the provision of restroom facilities.
5. No site may host food trucks for more than one day per week and no more than 25 days per year. Food truck operations approved as part of a City-sponsored special event or under a special use permit issued per Section 114-902 shall not count against the day limitations of this section.
6. Food trucks may not occupy more than 20% of the vehicular use area or disrupt parking area operation. Food trucks may not be parked in landscaped areas.
7. Temporary dining areas may be provided in association with the food truck operations. The temporary dining area may be located in landscaped areas exclusive of planting beds and landscaped buffers.
8. Any music provided shall comply with the City's standard noise ordinance.
9. Food trucks may place one supplemental a-frame or similar temporary sign not to exceed six (6) square feet of area.
10. Each food truck location shall obtain a permit from the City at least seven (7) days prior to opening for business. A single permit may include multiple business dates. The permit application shall be on a form issued by the City and contain at a minimum the following information:
 - a. Location address
 - b. Property owner approval

- c. Dimensioned sketch of the proposed location showing compliance with the requirements set forth above.
- d. Proposed date(s) and hours of operation
- e. Owner contact information
- f. Vendor contact information
- g. Photo of the vendor and food truck
- h. Fees as established by the City Commission

The proposed regulation has been constructed to address the issues noted in our previous analysis. The following comments are offered as additional explanation about how the proposed regulation is intended to address the planning and operational concerns.

- The proposal will allow food trucks in commercial and industrial areas and in residential areas where civic uses are established. For example, a church in a residentially zoned area could host a food truck.
- Items 1 through 4 are intended to address the cleanliness and operational needs of the service area during and following the activity. These sections make the owner responsible for these issues so that code enforcement has a specific control if problems occur.
- The limitation on the number of days per location and number of days per week is to help mitigate any negative impacts with our brick and mortar restaurants. The rule will allow a location to host a food truck about every other week on average.
- Items 6 and 7 go to on-site operations. The area limitations will effectively limit the number of food trucks that can be placed at a given location. A business with a large parking area (Florida Health Care for example) could host multiple food trucks while a smaller business site may be limited to just one truck. We also discuss where dining areas can be located if the businesses wish to provide picnic tables or something similar. The rule also seeks to maintain basic parking and vehicular maneuvering area for normal parking activity.
- Item 9 provides for some limited additional signage to advertise the location.

Fiscal Analysis: This item has no budgetary impact other than the potential for an increase in receipts of permit fees.

RECOMMENDATION: The Board should review the proposal and make a recommendation to the City Commission based on its assessment of the proposal.

- Z-2016-02 BOPA Reports (DOC)
- Root and Tail Farm Comments (PDF)



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: May 2, 2016
SUBJECT: Food Trucks
APPLICANT: City of Holly Hill
NUMBER: Z-2016-02
PLANNER: Thomas Harowski, AICP

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 “Biktoberfest” and “Trunk or Treat” among other events. A City-sanctioned 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.

STAFF REPORT

City of Holly Hill Community Development Department

DISCUSSION: In looking at the programs from other jurisdictions, I have identified seven 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/or permits
- 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

STAFF REPORT

City of Holly Hill Community Development Department

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

STAFF REPORT

City of Holly Hill Community Development Department

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.

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City of Holly Hill

Community Development Department

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.

STAFF REPORT

City of Holly Hill Community Development Department

205.042 Levy; municipalities.—**The governing body of an incorporated municipality may levy, by appropriate resolution or ordinance, a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction.** However, the governing body must first give at least 14 days' public notice between the first and last reading of the resolution or ordinance by publishing the notice in a newspaper of general circulation within its jurisdiction as defined by law. The notice must contain the proposed classifications and rates applicable to the business tax. The business tax may be levied on:

(1) **Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.**

(2) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

(3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 4, ch. 93-180; s. 7, ch. 2006-152.

205.063 **Exemptions**; motor vehicles.—**Vehicles used by any person receipted under this chapter for the sale and delivery of tangible personal property at wholesale or retail from his or her place of business on which a business tax is paid may not be construed to be separate places of business,** and a business tax may not be levied on such vehicles or the operators thereof as salespersons or otherwise by a county or incorporated municipality, any other law to the contrary notwithstanding.

History.—s. 3, ch. 72-306; s. 1, ch. 73-144; s. 1056, ch. 95-147; s. 16, ch. 2006-152.

Mary Hathaway

to me

Hello Thomas,

We appreciate you sharing this report with us. I find that all of the proposed requirements are well in line with a balanced attitude towards mobile food vendors and the brick & mortar operations. On our end, as a food truck owner, all stated items would be easily met and would make Holly Hill very forward thinking in their acceptance and regulations for food trucks. Thanks again, and we'd be happy to offer any other insights or feedback if requested.

Cheers,

Mary

Jun 24 (4 days ago)





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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: July 18, 2016
FROM: Thomas Harowski
SUBJECT: Special Event Ordinance Amend the City's Current Regulations for Special Events to Include a Process for Approving Additional Types of Business and Community Special Events.
NUMBER: (ID # 1370)
APPLICANT: City of Holly Hill
PLANNER: Thomas Harowski

INTRODUCTION: City staff has developed a proposed revision to the special events provisions in the land development regulations. This item is being presented to the Board of Planning and Appeals for review and recommendation prior to presentation to the City Commission.

BACKGROUND: The City code does not have a clear process for dealing with special events for business and community activities that are not associated with recognized special events such as Bike Week and Biketoberfest. Section 114-902 of the current code establishes a special use permit for these events, but it does not deal with events such as special business sales, customer appreciation events, grand opening events and similar activities. There have been past attempts to address this issue by administrative policy, but the situation remains confusing for local businesses. Current staff prefers to include a new section in Division 11 of the land development code that provides clearer guidance for local businesses. A draft ordinance proposal is attached for the Board's review.

DISCUSSION: The proposed ordinance lays out an application procedure with required submittals, a review process including lead times, specifications on how the site can be used, and related procedures.

The key provision is that the proposed ordinance clearly establishes that a business can conduct on-site events such as special sales, grand opening events, customer appreciation events and similar business activities with permits from the City. A business will be entitled to events totaling 20 days per year with a maximum length of 10 days per event. Should a business participate in other special events allowed under Section 114-902, these event days will not count toward the annual total of special event days allowed under the proposed amendment.

The proposed ordinance prohibits special events on vacant property unless specific approval is granted by the City Commission. This provision would exclude someone from renting a vacant lot to sell used cars or some other type of goods, but it keeps the

door open for the City Commission to approve a special event that it considers reasonable and valuable to the community.

The review process established by this proposal includes review by a committee composed of zoning, police, fire and public works. Police and fire review gives the City an opportunity to determine if the event requires traffic control support or live safety support. If police and fire services are required, the applicant can hire services privately or potentially make arrangements with the City.

Fiscal Analysis: This item includes permit fees and additional charges as determined by the requirements of the event i.e. public safety or any other governmental services being required. Fees could vary by event.

RECOMMENDATION: Review the draft ordinance proposal for special events and provide recommendations to the City Commission.

- Special Event Ordinance July 2016 Draft (DOC)

ORDINANCE NO. _____**AN ORDINANCE OF THE CITY OF HOLLY HILL,
FLORIDA, RELATING TO SPECIAL EVENTS; CREATING
A NEW SECTION OF THE CITY CODE; PROVIDING FOR
CODIFICATION PROVIDING FOR CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Commission finds that special events offered to the general public or a substantial segment of the public often attract a large gathering of people which may cause adverse public health and safety conditions requiring municipal regulation to ensure adequate sanitation and sewage disposal facilities, police services, fire rescue personnel and equipment, parking, traffic control and crowd control, and other regulations in the interest of public safety and public health; 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. It is the further intent of the City Commission that this Ordinance be construed liberally in favor of protecting and promoting the health, welfare, and safety of the citizens of and visitors to the City of Holly Hill; and

WHEREAS, it is also the intent of the Commission to protect the rights of its citizens to engage in protected free speech activities and yet allow for the least restrictive and reasonable time, place and manner regulation of those activities.

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

SECTION 1. Legislative and Administrative Findings.

The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission.

SECTION 2. Special events.

1. Intent and application. This section is intended to provide regulations relating to temporary special events not covered by Section 114-901 and Section 114-902 by the addition of a new Section 114-903 which includes including, but is not limited to,

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business events such as grand openings, customer appreciation events, special sales with planned outdoor activities; and other events such as circuses, fairs, carnivals, festivals, exhibitions, and musical events.

2. Permit required. Any special event shall be required to obtain a Special Event Permit. A special event shall be subject to the following:
 - a. The owner, or a legal representative authorized through an affidavit, of the property owner where the event will be held must make application to the City Manager, or his/her designee, and shall be responsible for compliance with the terms and conditions as set forth in the Special Event Permit. Additionally, the owner(s) of any property on which a special event occurs shall be responsible and liable for violations occurring on any such property because of such special event.
 - b. Special Event Permits shall not exceed a maximum duration of 10 consecutive days unless waived or modified by the City Commission and may occur no more than two times per site in a calendar year. No lot or parcel shall serve as a location of a special event, or any part of a special event, including parking, for more than 20 days per calendar year. The 20-day limitation applies to all special events.,
 - c. All local business taxes, including, but not limited to, the licensing of all vendors, concessions, business, itinerant merchants, and contractors shall be paid prior to issuance of the permit. ~~During the special event, the local business tax receipt shall be continually displayed on the premises. Such business tax shall be paid in full before any equipment is brought to the site where the exhibition or spectacle is to operate.~~
 - d. All applicable building permits, which may include, but are not limited to, tents, signs, electric, or water, shall be obtained prior to the issuance of the Special Event Permit. All permitted structures shall be removed within 24 hours after completion of the special event.
 - e. Special events held on nonresidential property shall not result in more than a twenty percent (20%) reduction of the parking spaces required for the existing business(es) during normal hours of operation. The City Manager, or his/her designee, may allow the use of joint, off-site, or other approved parking agreement(s) to mitigate this requirement.
 - f. Special events are not permitted on vacant property without the approval of the City Commission.
 - g. The applicant shall be responsible for the maintenance of the grounds and shall be responsible for properly disposing of trash, garbage, litter, and any other debris on the property and surrounding area as a result of the special event.
 - h. The applicant shall provide sanitary facilities that are available, free of charge, to the patrons.

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- i. The applicant shall provide the following:
 - i. *Public law enforcement and private security services.* The Police Chief's office shall determine the requirements and have final approval as to whether these services are adequate. However, any special event serving alcohol shall provide security at the expense of the applicant.
 - ii. *Fire protection services.* The Fire Chief shall determine fire protection services.
 - iii. *Medical coverage.* The Fire Chief shall determine if an event will require medical coverage in the form of onsite Paramedic or EMT personal.
 - iv. *Public Works Department services.* The Public Works Director shall determine if the services are required and establish the appropriate fees.
 - v. *Traffic control measures.* The Police Chief or designee shall have the full authority to require barricades, close any public street or roadway and/or detour of all traffic flow on any public street or roadway in relation to the management of the special event. The Police Chief or designee may determine whether to require implementation of additional traffic control measures for pedestrian and traffic access safety.
 - vi. *Health, safety, and welfare measures.* The City Manager, or designee, shall have authority to impose additional conditions for public health, safety, and welfare.

SECTION 3. Exemption.

The following events are exempt from obtaining a Special Event Permit; however, the events are subject to applicable licensing and business taxes as well as health and safety requirements:

1. City sponsored events and/or events approved on City property.
2. Events sponsored or approved by the School Board conducted on School Board property.
3. Tax-exempt organization indoor events conducted on property owned or leased by those organizations if the event does not exceed fire occupancy requirements.
4. This section shall not apply to those public fairs and expositions governed by the provisions of Chapter 616, Florida Statutes, and Chapters 5A-2 and 5F-8, Florida Administrative Code, which public fairs and expositions shall be conducted in strict compliance with the statutory and regulatory provisions.
5. No special event permits shall be required to be obtained for any events to be held on property owned or leased by any federal or state governmental entity, if sponsored by the state or federal agency.

SECTION 4. Special Event Permit Application.

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An application to hold a special event shall be made in writing to the City Manager, or designee, at least 21 days prior to the event, using such forms and including such information as the City Manager, or designee, may deem necessary to determine compliance with the requirements of this article. At a minimum, the application shall include the following:

1. The applicant's name, proposed location and description of the special event, and days and hours proposed.
2. Proof that the applicant has a legal right to occupy the sponsoring property (e.g., through ownership, written lease or written authorization).
3. A site plan on a minimum of 8"x11" paper specifying the location and contour of the special event area, pedestrian access, the number and location of merchant display areas designated, barricades, special signage and other devices necessary to maintain public safety, and indicating traffic and parking patterns.
4. Applicant shall submit a non-refundable application review fee with the Special Event application, to help defray the City's cost of processing the application and coordinating the relevant City services and personnel. The special event permit fee shall be established by resolution of the city commission.
5. Each applicant shall provide ~~confirmation of the names of all persons or groups who will perform at the special event; names of those who will provide or furnish products, materials, goods, or services other than entertainment; and names of those who will furnish or provide rides, mechanical entertainment, or amusement devices. Mechanical amusement devices shall comply with the requirements of Chapter 5F-8, Florida Administrative Code~~ information on the types of vendors and exhibitors proposed and whether outdoor music is proposed.
6. To ensure that the public health, welfare, and safety are protected, applicants shall provide for compliance with all City plumbing and electrical code requirements; sanitation and sewage disposal facilities, as provided in Section 18; police services for security, crowd and traffic control as provided in Section 15; fire rescue personnel for EMS coverage or Fire Apparatus standby as provided in Section 15; and insurance and indemnification as provided in Sections 7 and 8; and if the special event will be held during hours of darkness, compliance with lighting standards prescribed in the Land Development Code for streets and public property. The City will complete its review of the Special Event permit application within ten (10) business days from submission of a complete application.

SECTION 5. Issuance of Permit; Approval; Grounds for Denial.

1. Upon submission and approval of the items and information required by Sections 4, ~~7~~, and ~~8~~ Section 7 to the Building and Zoning office, ~~or~~, shall issue the Special Event Permit. The applicant shall pay a permit fee including a base fee and any additional charges for police, fire safety, and other government services which may be required by the Event Review Committee. The City Commission shall establish these fees by resolution.

BOPA Review Draft. July, 2106

2. The Event Review Committee shall review the application submitted for completeness. The Event review Committee is hereby authorized to reject any application which is not complete, which is not received by the specified deadline, or which is not accompanied by the requisite ~~permit~~ application fee. Completed applications for special event permits shall be reviewed to determine the anticipated impact on pedestrian and traffic patterns, noise, security, and other aspects of public health, safety or welfare and for compliance with this article. An application may be denied if the Event Review Committee determines that any of the following are true:
 - a. The applicant has made any false material representation in the application.
 - b. The applicant fails to provide any of the items or information required by this Ordinance.
 - c. The special event will substantially interfere with any other special event for which a permit has already been granted, or with the provision of public safety or other City services in support of such other previously scheduled events, or will have an non-mitigable adverse impact upon residential or business access and traffic circulation in the area in which it is to be conducted.
 - ~~d. The applicant failed to comply with approved event or special event requirements from a previous event or special event, such as sign requirements, vendor requirements, or violations of federal, state, and local codes and regulations.~~
 - e. The conduct of the special event will substantially interrupt the safe and orderly movement of aerial or marine navigation, or of public transportation or other vehicular and pedestrian traffic in the area of the special event; or will cause irresolvable conflict with construction or development in public rights-of-way or at the public facility where the special event is held so as to cause unsafe conditions for the public; or the expected attendance at the special event will exceed the lawful capacity of the facility under the City's Fire Code; or the parking available at the facility will be inadequate to accommodate the expected attendance at the special event.
 - f. The Event Review Committee shall also consider prior dealings of the City with the operator or property owner with previous Special Events. The operator's or property owner's failure to comply with the rules and regulations during a prior Special Event shall be grounds for the denial of a new Special Event Permit, unless the operator/property owner establish, to the satisfaction of the Event Review Committee, that procedures and policies are in place to prevent the prior problems from occurring. The Event Review Committee is authorized to approve a Special Event Permit as long as all conditions and requirements of the City's regulations have been complied with and there are no adverse impacts to the public health, safety and welfare of the community.

- g. If the property has any outstanding code violations, a Special Event Permit will not be issued.
- h. If a permit is denied, the Event Review Committee shall provide the applicant with written reasons for denial. The applicant, within five business days after denial, may appeal the denial to the City Manager for a final decision, by filing a written petition with the City Clerk detailing the grounds for appeal, which appeal shall be heard within five (5) days of submission of the appeal.
- i. ~~In the event that an applicant alleges that a permit denial is a First Amendment prior restraint, and any appeal under this section is denied, the applicant can appeal, by filing a request within five (5) days from the denial to the City Commission, to be heard at their next available regular meeting. The permit denial, in the face of such review, will continue only to preserve the status quo until review is complete. The applicant may then appeal to the appropriate court.~~

SECTION 6. Inspections

As a condition of any permit, city officials, shall have authority to enter upon the sponsoring property at any time to ensure public health, safety and welfare, compliance with this article, permit conditions, the Code of Ordinances and the Land Development Regulations.

SECTION 7. Indemnification.

The applicant for a special event shall be required to provide to the Event review Committee an agreement pursuant to which the applicant assumes full responsibility and liability for and indemnifies, defends, and holds the City harmless against all liability, claims for damages, and suits for or by reason of any injury to any person, including death, and damage to any property, connected to the holding of the special event.

SECTION 8. Insurance.

The applicant shall submit proof of liability insurance with the application.

- ~~1. The applicant also shall be required to deliver to the City Manager, or his/her designee, within ten business days after approval of a special event application as provided in Section 10(a), proof of the following types and amounts of insurance:~~

- ~~a. Without limiting its liability, the applicant shall procure and maintain at its sole expense, insurance of the types and in the minimum amounts stated below:~~

- ~~j. Commercial General Liability (including property damage, products/comp, operations aggregate, premises, operations and blanket contractual liability)~~
- ~~ii. \$1,000,000 Each Occurrence~~
- ~~iii. \$2,000,000 General Aggregate~~

- ~~b. The City shall be named as an additional insured under the above Commercial General Liability coverage. In the event that motor vehicles are used for any activity associated with the special event:~~
- ~~c. Automobile Liability (all automobiles; owned, hired, or non-owned)

 - ~~i. \$1,000,000 Combined Single Limit~~~~
- ~~2. Applicant will provide evidence of workers' compensation insurance or exemption as required by Florida Workers Compensation Law as defined in Chapter 440, Florida Statutes. Such evidence will include evidence of employer's liability insurance for the following minimum limits of coverage:

 - ~~a. Employer's Liability \$100,000 Each Accident~~
 - ~~b. \$500,000 Disease Policy Limit~~
 - ~~c. \$100,000 Each Employee/Disease~~~~

~~Such insurance will include coverage for appropriate Federal Acts (Longshore and Harbor Workers Compensation Act, 33 USC §§ 901-952, and the Jones Act, 46 USC § 688 et seq.) where activities include liability exposures for events or occurrences covered by these statutes. The applicant shall grant the City a waiver of subrogation in favor of the City.~~

- ~~3. Additional riders in the amount of \$1,000,000.00 may be required to include, but not be limited to, the following:

 - ~~a. Liquor Liability;~~
 - ~~b. Professional Liability (Errors and Omissions);~~
 - ~~c. Aircraft Liability (Bodily Injury & Property Damage including passengers);~~
 - ~~d. Watercraft Liability;~~
 - ~~e. Sexual Molestation Liability, and Assault and Battery.~~~~
- ~~4. An insurer holding a current certificate of authority pursuant to chapter 624, Florida Statutes, shall write the insurance. Such insurance shall be endorsed to provide for a waiver of underwriter's rights of subrogation in favor of the City.~~
- ~~5. Prior to commencing any work on the event, Certificates of Insurance, approved by the Event Review Committee, demonstrating the maintenance of the required insurance shall be furnished to the City. The certificates shall provide that no material alteration or cancellation, including expiration and non-renewal, shall be effective until 15 days after receipt of written notice by the City.~~
- ~~6. In the event that one or more cranes or similar heavy equipment pieces are used for any activity associated with the special event, the proof of insurance will clearly demonstrate that the general liability coverage includes coverage for such equipment, and has no limitation specific to use of the equipment.~~
- ~~7. In the event that fireworks displays or pyrotechnic displays are included in the special event, the proof of insurance will clearly demonstrate that general liability coverage as defined in subsection 8(a) is provided to include coverage for such display(s) with no limitation specific to the display(s). Such evidence must be provided by the organization(s) responsible for such display(s).~~

- ~~8. All coverages are to be provided on an occurrence form. In the event that coverage is only available on a claim form, the insured shall agree to maintain extended reporting coverage for a minimum of four years past the expiration of the annual policy term.~~
- ~~9. Anything to the contrary notwithstanding, the liabilities of the applicant for obtaining and maintaining the coverage(s) required under this section, shall survive and not be terminated, reduced, or otherwise limited by any expiration or termination of particular policies for insurance coverages.~~
- ~~10. State and federal agencies eligible for sovereign immunity as evidenced by the applicable state or federal statutes may submit a statement of self insurance and liability as allowed by the applicable state or federal statute. Such statement will be acceptable in place of insurance requirements defined herein.~~
- ~~11. An applicant may be authorized or required to provide up to 50% greater or down to 50% lesser amounts of insurance coverage under Section 8 if the special event is of a demonstrated high or low risk category according to recognized insurance and risk management industry standards. Such reduction or increase shall be determined, by the Event Review Committee using recognized insurance and risk management standards, and the Event review Committee shall state the reasons for any adjustment in writing.~~

SECTION 9. Definitions.

For purposes of this article, the following words, terms and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Special Event* shall mean an event that ~~is not a permitted use on the proposed site of the event and~~ is not covered by Section 114-901 and Section 114.902.
2. *Special Event Review Committee* shall consist of a staff committee composed of representatives of the Public Works Department, the Fire Department, the Police Department, , the Finance Department, Building and Zoning Department and the Human resources Department. Other members may be appointed by the City Manager. The City Manager shall not be a member on the committee.
3. *Vendor* shall mean any person who distributes or offers to distribute, or sells or offers to sell food, beverages, merchandise, or services.
4. *Temporary Vendors Permit* shall mean a permit issued by the City of Holly Hill allowing a specific seller/vendor to offer for sale goods or services at a special event. Temporary Vendors Permits are for one specific Special Event and are non-transferable.
5. *City Sponsored Special Event* shall mean those events annually approved by the City Commission as a City Sponsored Event.
6. *Sponsoring property* shall mean the legal lot(s) or parcel(s) on which the *special event* is held and the legal lot(s) or parcel(s) designated for parking for such *special event*, regardless of zoning classification; provided, however, that in the case of a

strip commercial shopping center, the term "sponsoring property" shall mean all of the lots and parcels comprising the shopping center.

SECTION 10. Event Disclosure

All applicants to hold an event shall be required to disclose the event on the City's Special Event Request form for determination whether the event is a Special Event requiring a Special Event permit.

SECTION 11. Outdoor Amplification

The use of any outdoor amplification including but not limited to live or recorded music, shall not exceed the City's noise ordinance. All outdoor amplification shall cease at 10:00 pm.

SECTION 12. General Guidelines & Information for Special Event Vending

- ~~1. All Vendors that do not possess a current City Local Business Tax Receipt will be required to purchase a Temporary Vendors Permit from the City.~~
2. Vendors of food shall have all applicable licenses to be considered for participation in a Special Event. It is the responsibility of the applicant to ensure that participating food vendors comply with the rules and regulations of the State of Florida Health Department and any other government body with jurisdiction over the special event.
3. All food vendors who do not have a Florida Department of Business and Professional Regulation (DBPR) annual food vendor's license shall apply for and purchase a DBPR temporary event license.

SECTION 13. Use of Alcoholic Beverages.

If alcohol is to be served at a Special Event, that fact must be disclosed to the Event review Committee at the time of filing an application for a permit, and all applicable requirements of state beverage laws and City Codes must be met. It is the responsibility of the licensee to ensure that open containers of alcohol served on the site shall not be transported beyond the designated area within the Special Event site. No alcohol shall be served within 750 feet of any public school.

SECTION 14. Revocation or Suspension of Permit.

The Event Review Committee may summarily suspend or revoke a permit issued under this section for violation of ~~this section~~ the special event permit or permit conditions; for violating any other federal, state, or local laws or ordinances during the special event; or for making any material false representation in an application for a permit or for an exemption certificate. In the event of suspension or revocation, the vendor may appeal the decision to the City Manager. provisions in Section 5(c) shall apply. The five (5) day appeal period shall commence from the date the suspension or revocation notice is provided to the applicant

SECTION 15. Public Safety at Special Events.

The following requirements for public safety will be observed at all special events:

1. The Holly Hill Police Department shall be the primary provider of personal safety and property security at special events. The number of required providers shall be based on Event Risk Factors set forth in Section 16. If the applicant for a special event wishes to use private sector entities for personal safety or property security at

- special events, such entities will be supplemental or in addition to the services provided by the Police Department.
2. Fire protection services shall be provided by the City of Holly Hill Fire Department.
 3. Applicants may be required to provide emergency medical services, including transportation, as specified in Section 4, if the Fire Chief finds a need for these services based on Event Risk Factors as defined in Section 1. In the event that the City Fire Department determines that it is unable to provide any aspect of emergency medical services, including transportation, such services may be provided by Volusia County.
 4. Fire codes and standards compliance will be verified by the City Fire Inspector to ensure the event complies with Florida Fire Prevention Code, NFPA 1, NFPA 101 Life Safety Code.
 5. All special events must maintain adequate handicap parking in compliance with ADA (American with Disabilities Act) thresholds in regards to the number of spaces required and surface requirement. Existing handicap spaces must be utilized for their intended purpose.
 6. The Event Review Committee may allow overflow parking for a special event on the public right-of-way, as long as safe pedestrian access is provided to the special event. Any overflow parking that is allowed on the right-of-way or on public or private property may require improvements at the applicant's expense

SECTION 16. Event Risk Factors for Public Safety and Emergency Medical Personnel at Special Events.

Event Risk Factors include the number of projected attendees, service of alcoholic beverages, lots of movement of people or vehicles, and/or any event that includes safety risks such as mosh pits, concerts, or any events using pyrotechnics, explosives, and stunts with special rescue potentials, or other similar activities which may result in physical stress or injury.

SECTION 17. Costs for Personnel at Special Events.

1. The fees for provision of Police Department, Fire Department, and City personnel at Special Events shall be established by resolution of the City Commission.
2. Applicants shall be responsible for costs the City incurs for personnel necessary for set up for the event, maintenance during, and clean up after the event in accordance with a resolution adopted by the City Commission. The estimated cost for the above items shall be paid in advance and as condition of issuance of the Special Event Permit.

SECTION 18. Standards for Sanitary Facilities

Sanitary facilities are required to be provided for all Special Events, in the form of toilets and hand washing stations, based on the projected number of attendees and participants, in a proportion of a minimum of one (1) restroom facility for every 100 attendees/participants expected at any one time. Restrooms shall be maintained in a sanitary condition, and shall be serviced at least once daily. Out of the total number of restrooms, a minimum of one shall be handicap acceptable or 5% of the restrooms shall be handicap accessible whichever is greater.

BOPA Review Draft. July, 2106

Hand washing facilities shall be provided in a proportion of one hand wash facility to every ten portable restrooms, and must be provided at special events where food is served or picnic areas are provided

SECTION 19. 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 20. 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 21. EFFECTIVE DATE

That this Ordinance shall become effective immediately upon its adoption.



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: July 18, 2016
FROM: Thomas Harowski
SUBJECT: 7Th Street Park Map Amendment An Amendment of the Future Land Use Map to Designate the City Owned Property at 7Th Street and Center Avenue as Parks and Open Space in Place of the Current Designation as Medium Density Residential.
NUMBER: (ID # 1368)
APPLICANT: City of Holly Hill
PLANNER: Thomas Harowski

INTRODUCTION: The City of Holly Hill is proposing to amend the future land use map to designate City-owned property at Center Avenue and 7th Street as Parks and Open Space to recognize the current use of the parcel.

BACKGROUND: In 2002 the City of Holly Hill purchased a parcel on Center Avenue at 7th Street for stormwater management. Subsequent to the purchase, the City developed a stormwater pond and supporting infrastructure on the site. In 2015, the City obtained grant funding to develop recreation facilities on the site. The plan calls for construction of a walking path around the existing pond; the addition of playground equipment; and the addition of picnic tables and benches. The project is well underway and the park will be finished later this year.

The property is designated as medium density on the future land use map and zoned R-7 Medium Density Multi-Family Residential. The City is proposing to amend the Future Land Use Map to designate the property as Parks and Open Space to recognize the revised use of the property.

DISCUSSION: The Future Land Use Map provides a graphic representation of the planned use of land within the City. The subject property had been designated for medium density multi-family development until the City purchased the land for stormwater use. Once the stormwater management facilities were developed on the property, no change was made to the comprehensive plan and Future Land Use Map. However, the City decided in 2015 to take advantage of the upland area on the site to expand the use of the site as a public park. This action supports Policy 1.1.2 of the Recreation and Open Space Element which reads:

Policy 1.1.2 - Parks and recreational facilities shall be located throughout the City to allow access opportunities to all segments of the population.

The closest additional recreation facility to the 7th Street Neighborhood Park is essentially Hollyland Park. Centennial Park, Milt Hallman Memorial Park, and Grove Street Park are a little closer but these facilities are passive recreation opportunities that offer very limited recreation facilities. The southeast quadrant of the City has no active recreation facility suitable for smaller children. The new park will expand recreation opportunities in this quadrant of the City.

The facility is anticipated to be a walk-in neighborhood level park where families and individuals can use the walking path in conjunction with the City's sidewalk network to access healthy outdoor walking and jogging activity. The play equipment and picnic facilities will give families and opportunity to access outdoor recreation opportunities closer to their homes. As a neighborhood level facility, the City wishes to encourage park users to walk to the park; however, on-street parking is available on both Center Avenue and 7th Street.

Designation of the property as Parks and Open Space will recognize the revised role of this property in the City's parks network. By formally designating the site as a park, the designation assures that the site will be used in the calculation of locational decisions when spacing from a park is considered as a criterion. Supporting documentation includes the current and proposed Future Land Use Maps.

No action is required with regard to zoning as the R-7 Medium Density Multi-Family Residential District allows City-owned parks and open space as a permitted use. (Refer to Section 114-273 (4))

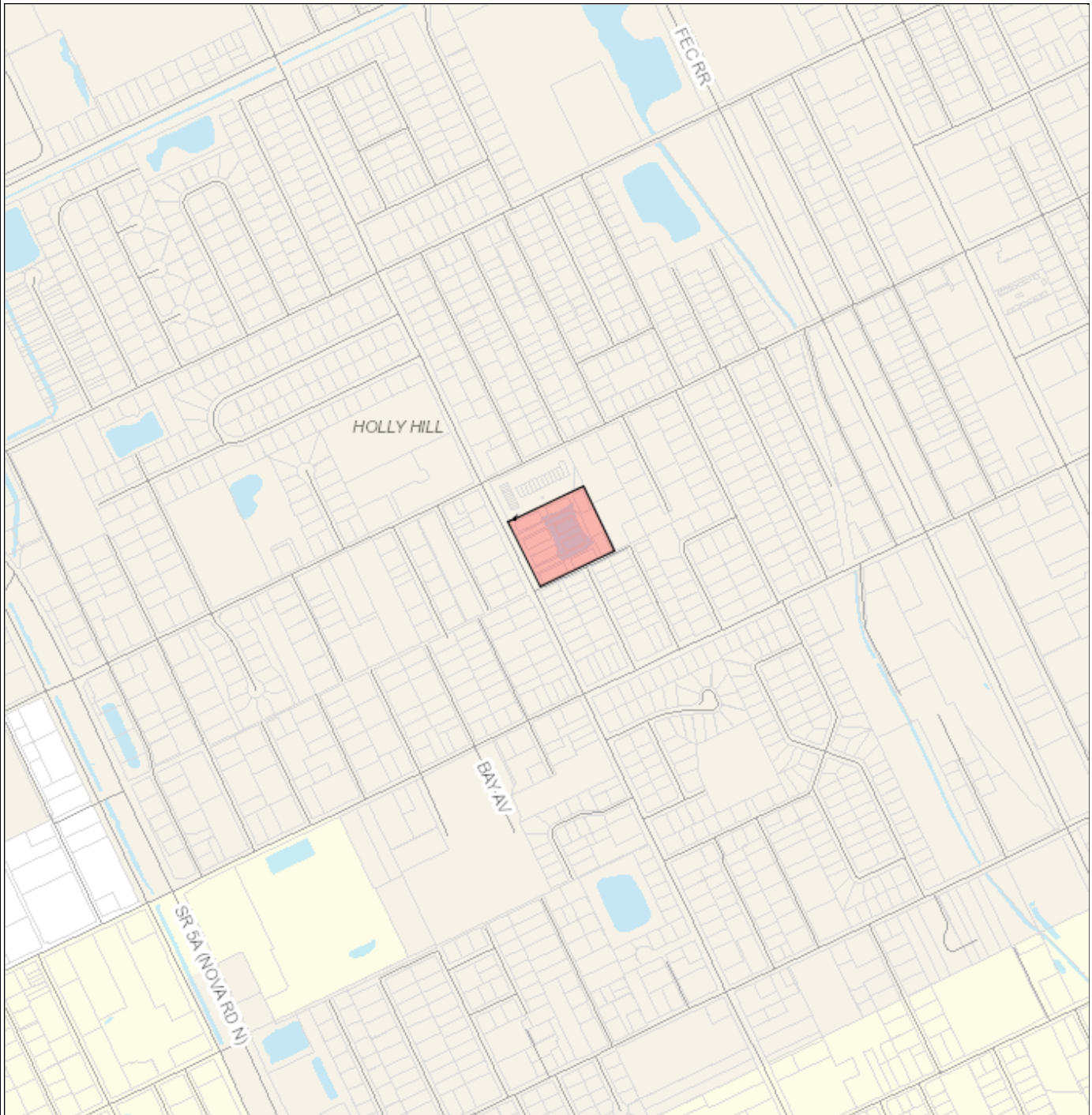
Fiscal Analysis: This item has no budgetary impact.

RECOMMENDATION: Recommend the City Commission approve the small scale map amendment designating the 7th Street Neighborhood Park as "Parks and Open Space" on the Future Land Use Map and submit the amendment to the Florida Department of Economic Opportunity and the Volusia Growth Management Commission.

In addition staff is recommending the Board of Planning and Appeals recommend the City Commission vacate the underlying Holly Ridge Subdivision. Vacating the plat will clean up the parcel which was once planned for condominium development and eliminate an existing road easement which is no longer required.

- 7th Street Park Location Map (PDF)
- Current Future Land Use Map (PDF)
- Proposed Future Land Use Map (PDF)

LOCATION MAP 7TH STREET PARK



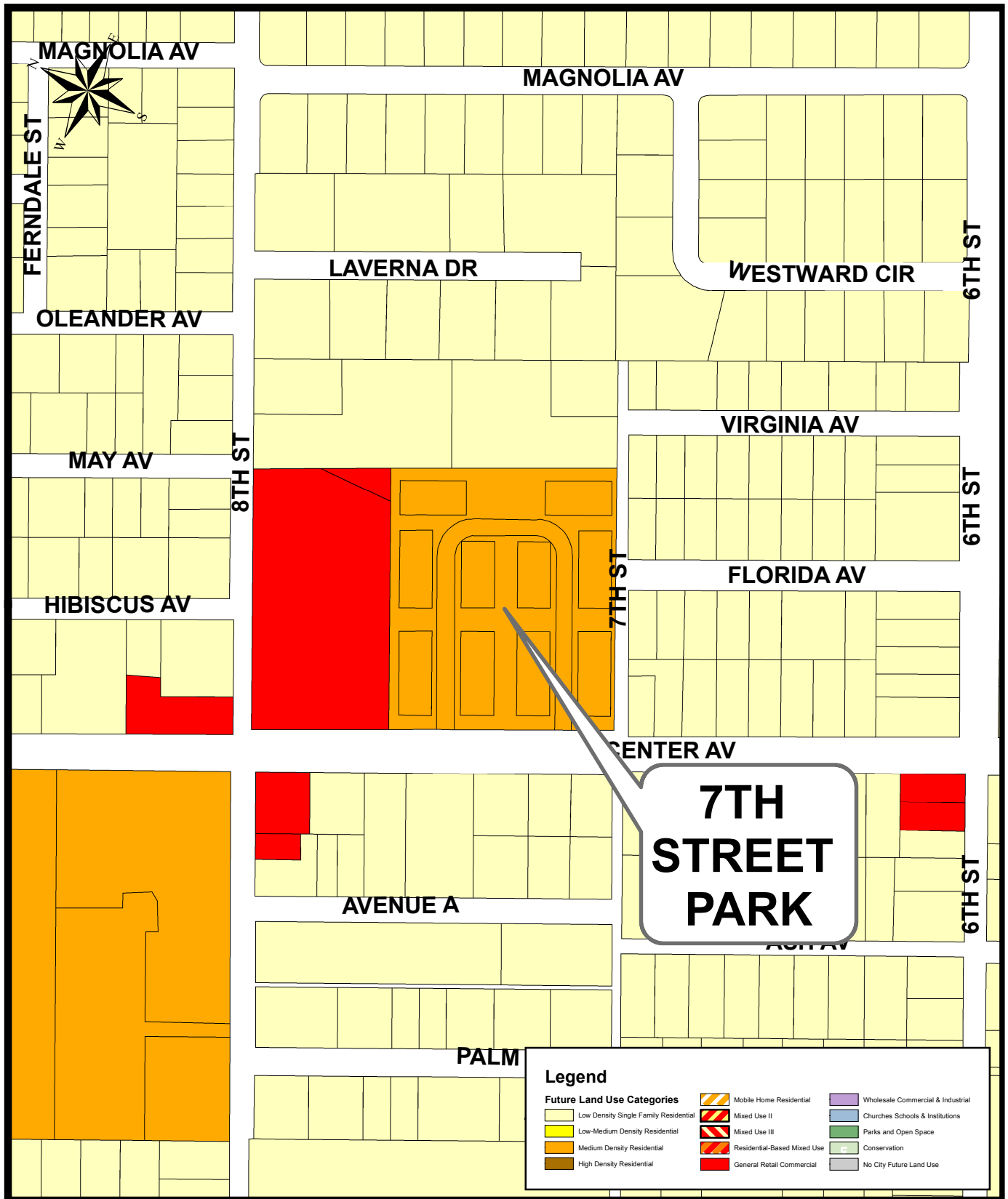
Scale 1:10,000 - 1 in = 833 ft
 Date Created:
 24-Jun-16 11:36 AM

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 SOURCE: PARCEL DATA, VOLUSIA COUNTY PROPERTY APPRAISER



CITY OF HOLLY HILL, FLORIDA

CURRENT FUTURE LAND USE



Feet

0

250

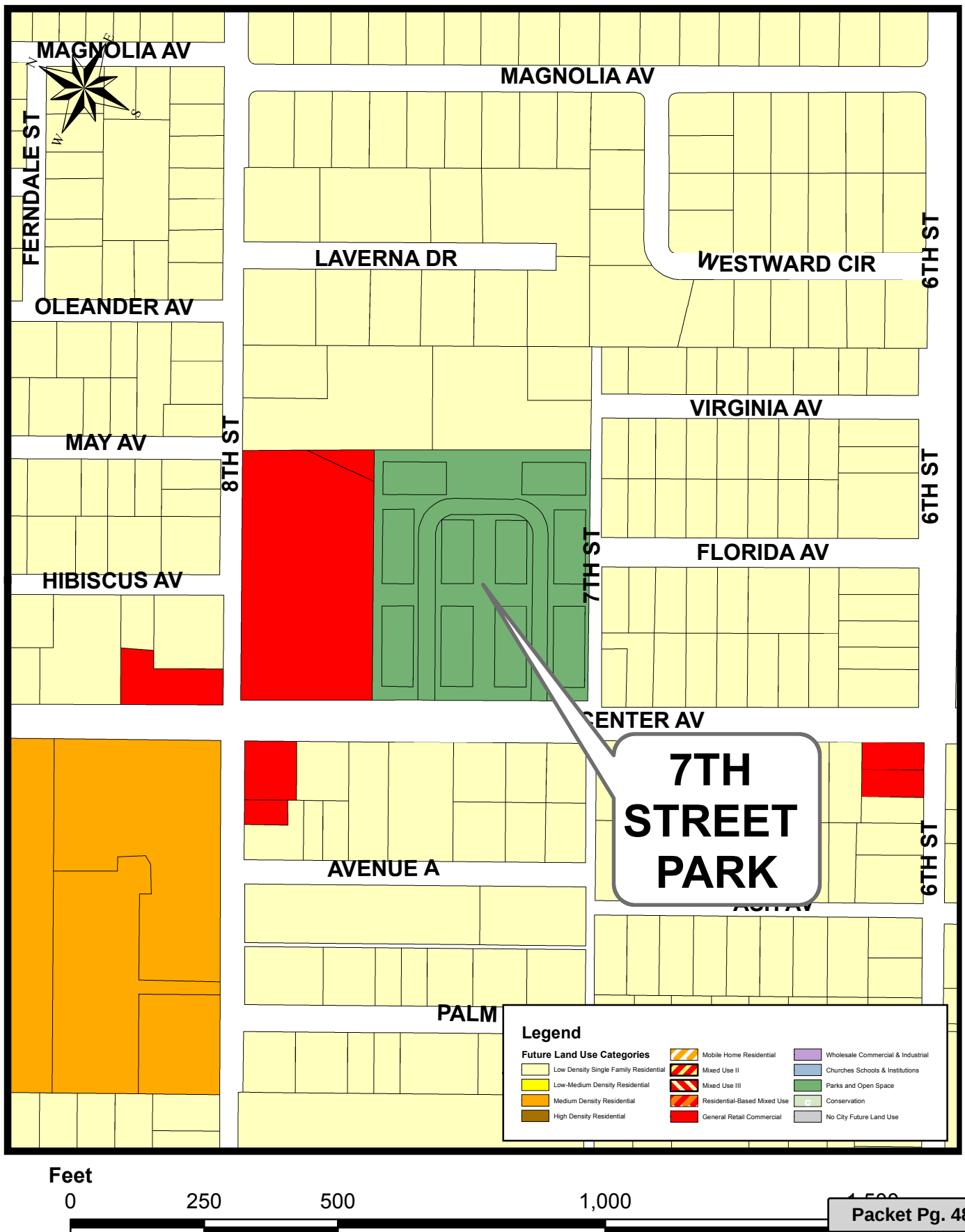
500

1,000

1,500



CITY OF HOLLY HILL, FLORIDA PROPOSED FUTURE LAND USE





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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: July 18, 2016
FROM: Thomas Harowski
SUBJECT: Holly Ridge Subdivision Vacation Vacation of the Holly Ridge
Subdivision Plat in Its Entirety.
NUMBER: (ID # 1369)
APPLICANT: City of Holly Hill
PLANNER: Thomas Harowski

INTRODUCTION: This application is a request to vacate the Holly Ridge Plat that was approved for a condominium project in 1986 but never developed. The City has subsequently purchased the entire subdivision parcel for use as a stormwater management facility and more recently a public park.

BACKGROUND: The subject property is located on the east side of Center Avenue north of Seventh Street. The Holly Ridge subdivision was approved by the City of Holly Hill in 1986 and recorded in the public records of Volusia County. A copy of the plat is attached. The plat provides for an access easement, 66 condominium units and common area. The project was never developed and in 2002 the City purchased the property for its stormwater management program. Subsequently, the City developed a retention pond on the site along with supporting drainage infrastructure. In 2015, the City applied for grant funding to add recreation facilities to the site in the form of a walking path, playground equipment and picnic facilities. In another application, the City is requesting the future land use designation be changed to Parks and Open Space to reflect the use of the site as a park. The park will open later in 2016.

DISCUSSION: As the City has purchased and developed the entire land area occupied by the Holly Ridge Plat, it makes sense to vacate the plat and return the land to a single parcel. This action will avoid any future issues that might arise from platted easements and planned building sites. This action is more in the line of a housekeeping activity to give the City the cleanest possible parcel. It will also reduce the parcel records that the property appraiser needs to track.

Fiscal Analysis: This item has no budgetary impact.

RECOMMENDATION: Staff recommends the Board of Planning and Appeals recommend the City Commission vacate the Holly Ridge Plat.

- Holly Ridge Sub. (PDF)

The Trails

HOLLY RIDGE

HOLLY HILL, VOLUSIA COUNTY, FLORIDA

A REPLAT OF A PART OF MASON & CARSWELL'S AS RECORDED IN MAP BOOK 2 PAGE 90 PUBLIC RECORDS OF VOLUSIA COUNTY, IN SECTION 31, TOWNSHIP 15 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA.

THE SOUTHERLY 416.00 FEET OF THE WESTERLY 472.00 FEET OF LOT 3 BLOCK 16 MASON AND CARSWELL'S HOLLY HILL, ACCORDING TO MAP IN MAP BOOK 2, PAGE 90, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
AS A POINT OF BEGINNING, COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 3 MASON & CARSWELL'S; THENCE N 23°45'01"W A DISTANCE OF 416.00 FEET; THENCE N 06°22'53"E A DISTANCE OF 472.11 FEET; THENCE S 23°45'00"E A DISTANCE OF 416.46 FEET; THENCE S 06°26'13"W A DISTANCE OF 472.10 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.
SAID PARCEL CONTAINS 4.5 ACRES MORE OR LESS.

OWNER: NATIONAL LTD. POSTAL MANAGEMENT SERVICES
10520 MAGNOLIA BLVD.
N. HOLLYWOOD, CALIFORNIA 91601

MASON & CARSWELL SUB.
MB 14 PG 21

SITE DATA

- 1) TOTAL AREA: 4.5 ACRES ±
 - 2) TOTAL # OF UNITS: 66 UNITS
 - 3) DENSITY: 14.67 UNITS/ACRE
 - 4) L.F. OF STREET: 898 L.F. ±
 - 5) TOTAL AREA OF PRIVATE USE: 4.5 ACRES ±
 - 6) EXISTING ZONING - R-7
 - 7) ERROR OF CLOSURE DOES NOT EXCEED 1' IN 10,000 FEET.
- NOTE: BEARING REFERENCE IS ASSUMED

"NO GOVERNMENT AGENCY, INCLUDING CITY OF HOLLY HILL, SHALL EVER BE RESPONSIBLE FOR THE FOLLOWING:

MAINTENANCE, UPKEEP, OR IMPROVEMENTS OF ANY PRIVATE STREETS, THOROUGHFARES, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS OR EGRESS TO THE PROPERTY COVERED HEREBY AND SEWER COLLECTION LINES WITHIN THE PROPERTY."

OWNER: DONALD W. & KATHERINE L. BONTALDES
535 8TH STREET
HOLLY HILL, FL. 32017

OWNER: GEORGE F. CRAIG
920 7TH STREET
HOLLY HILL, FL.

- DENOTES CONCRETE MONUMENT
- DENOTES PERMANENT REFERENCE MONUMENT

VICINITY MAP
SCALE: 1"=2000'

PLAT BOOK 41 PAGE 52

DEDICATION

"KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE FOREGOING CAPTION TO THIS PLAT, DO HEREBY DEDICATE SAID LANDS, EASEMENTS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED.

PARCELS DESIGNATED AS COMMON AREAS AND RECREATIONAL AREAS ARE INTENDED FOR USE SOLELY BY THE RESIDENTS OF HOLLY RIDGE, AND ARE NOT DEDICATED HEREBY FOR USE BY GENERAL PUBLIC BUT ARE CONVEYED TO THE "HOLLY RIDGE" HOMEOWNERS ASSOCIATION, INC."

THIS DEDICATION IS SUBJECT TO THE UNDERSIGNED'S RETAINED RIGHT TO GRANT UTILITY EASEMENTS. THIS DEDICATION OF ALL COMMON AREAS AND RECREATIONAL AREAS IS FURTHER SUBJECT TO THE UNDERSIGNED'S RETAINED RIGHT TO GRANT DRIVE-WAY EASEMENTS. WATER LINES APPROVED BY THE CITY FOR DEDICATION ARE HEREBY DEDICATED.

IN WITNESS WHEREOF, THE UNDERSIGNED CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED AND ATTESTED TO BY THE OFFICERS NAMED BELOW AND ITS CORPORATE SEAL TO BE AFFIXED HERETO ON THIS 19TH DAY OF September A.D. 1985

THE TRAILS, INC.

BY: W.A. Cross
VICE PRESIDENT

CORPORATE SEAL

ATTEST: [Signature]
ASSISTANT SECRETARY

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Mary Stotts AND Margery M. Cote
STATE OF FLORIDA, COUNTY OF VOLUSIA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 19TH DAY OF September A.D. 1985 BY W.A. CROSS, VICE PRESIDENT, AND BY JANET KUNZ, ASSISTANT SECRETARY OF THE TRAILS, INC., A FLORIDA CORPORATION, ON BEHALF OF THE CORPORATION.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL ON THE ABOVE DATE,

Deborah L. Ingram
MY COMMISSION EXPIRES: 5/31/86

JOINDER AND CONSENT TO DEDICATION

THE UNDERSIGNED HEREBY CERTIFY THAT THEY ARE THE HOLDER OF A MORTGAGE FROM THE TRAILS, INC. UPON THE ABOVE DESCRIBED PROPERTY AND THAT THE UNDERSIGNED HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LANDS DESCRIBED BY THE OWNER THEREOF, AND AGREE THAT THEIR MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORD BOOK 2671, PAGE 1540 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE ABOVE DEDICATION.

Emery F. Smith
EMERY F. SMITH

Patricia A. Smith
PATRICIA A. SMITH

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

James A. Jolly AND Jana May Jolly
STATE OF FLORIDA, COUNTY OF VOLUSIA

THIS IS TO CERTIFY, THAT ON May 29, 1986 BEFORE ME, AN OFFICER DULY AUTHORIZED TO TAKE ACKNOWLEDGEMENTS IN THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED EMERY F. SMITH AND PATRICIA A. SMITH OF 281 PACKWOOD DR., RT. #2, EDGEWATER, FLORIDA 32032. TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING JOINDER AND CONSENT TO DEDICATION AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR FREE ACT AND DEED AS MORTGAGEES.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL ON THE ABOVE DATE.

Jana May Jolly

SEAL

MY COMMISSION EXPIRES: Dec. 18, 1987

OWNER: LUDWIG & SOPHIE D. HARCH
1530 VALENCIA AVE.
HOLLY HILL, FL. 32017

OWNER: KIM EDWARDS WARD
700 CENTER ST.
HOLLY HILL, FL. 32017

OWNER: EXCHANGE BEAUTY ASSOCI. INC.
635 BALLBOUN RD.
DAYTONA BEACH, FL. 32014

OWNER: SHELLE H. & PATRICIA R. WARD
630 DAYTONA AVE.
HOLLY HILL, FL. 32017

OWNER: MICHAEL A. & WENDY KLEMA
640 FLORIDA AVE.
HOLLY HILL, FLORIDA 32017

OWNER: LAWRENCE T. & EDITH W. MARDLE
639 FLORIDA AVE.
HOLLY HILL, FLORIDA 32017

OWNER: EMILY WEBER
224 105 WOODSIDE HARBOR BLVD.
BAIRSIDE, NEW YORK

DEVELOPER: TRAILS, INC.
1001 OLD TOMOKA RD.
ORLANDO BEACH, FL. 32074

ENGINEER: W.A. CROSS
1001 OLD TOMOKA RD.
ORLANDO BEACH, FL. 32074

SURVEYOR: CLYDE H. RODGERS
HALIFAX LAND SURVEYING
1520 S. RIVERWOOD AVE.
SOUTH DAYTONA, FL. 32019

CERTIFICATE OF APPROVALS BY THE CITY COMMISSIONERS

THIS IS TO CERTIFY THAT ON THE FOREGOING PLAT WAS APPROVED BY THE CITY COMMISSIONERS OF HOLLY HILL, FLORIDA

ATTEST: Russell C. Smith
CITY CLERK

CERTIFICATE OF CLERK

I HEREBY CERTIFY, THAT I HAVE EXAMINED THE FOREGOING PLAT AND FIND THAT IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND WAS FILED FOR RECORDED ON 6-12-86

AT Jana May Jolly D.C.
CLERK OF THE CIRCUIT COURT, IN AND FOR VOLUSIA COUNTY

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED BEING A LICENSED AND REGISTERED LAND SURVEYOR, DOES HEREBY CERTIFY THAT ON 7-10-85 THE SURVEY WAS COMPLETED UNDER HIS RESPONSIBLE DIRECTION AND SUPERVISION OF THE LANDS AS SHOWN IN THE FOREGOING PLAT, THAT SAID PLAT IS A CORRECT REPRESENTATION OF THE LANDS HEREIN DESCRIBED AND PLATTED, THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED AS SHOWN THEREON AS REQUIRED BY CHAPTER 177, FLORIDA STATUTES, AND THAT SAID LAND IS LOCATED IN VOLUSIA COUNTY, FLORIDA.

DATE: 9-13-85

Clyde H. Rodgers
CLYDE H. RODGERS R.L.S. # 3290

CERTIFICATE OF APPROVAL

THIS IS TO CERTIFY THAT AN PLAT WAS APPROVED BY: W.A. Cross THAT THIS
CITY ENGINEER

THIS IS TO CERTIFY THAT ON THIS PLAT WAS APPROVED BY: Edward J. Simpson
CITY ATTORNEY

CERTIFICATE OF APPROVAL BY ZONING COMMISSION

THIS IS TO CERTIFY THAT ON THE ZONING COMMISSION OF DISTRICT APPROVED THE FOREGOING PLAT.
Luther P. Jones
CHAIRMAN

CERTIFICATE OF APPROVAL BY THE PLANNING BOARD

THE HOLLY HILL PLANNING BOARD HEREBY APPROVES THE FINAL PLAT FOR "HOLLY RIDGE"
Luther P. Jones 7-15-86
CHAIRMAN DATE