



Board of Planning and Appeals

Regular Meeting

~ Agenda ~

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

Thomas Harowski
386-248-9424

Monday, August 17, 2015

6:30 PM

City Commission Chamber

1. Call to Order

A. Roll Call

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	☐	☐	☐	

C. Invocation

D. Pledge of Allegiance to the Flag

2. Minutes

A. Agenda Item (ID # 1120)

June 1, 2015 Minutes

ATTACHMENTS:

- Minutes June 1, 2015 (PDF)

3. New Business

1. Agenda Item (ID # 1140)

Temporary Sign Rules Z-2015-04 Revision of the Rules Governing Temporary Signage Including Business Signage, Real Estate Signs and Campaign Signs.

INTRODUCTION: This report presents suggested revisions to the temporary sign rules for the City. The BOPA is being asked to review the proposal and provide a recommendation to the City Commission.

BACKGROUND: Earlier this year the BOPA heard a request to amend the regulations for temporary signs to allow the use of A-Frame signs and "help wanted" signs. During the discussion on the proposed amendment, the Board requested that staff review the entire section on temporary signs and more fully integrate the proposed signs into an updated temporary sign rule. The proposed amendment results from staff research into

temporary sign regulations along with a review of recent court decisions on signage regulations and limits.

The proposed regulation is offered essentially as a complete replacement for the existing sign regulation. The proposed rule is offered in the attached document which includes both the proposed regulation and a section with commentary adding some notes and additional insight into the proposed rule.

DISCUSSION: The proposed regulation offers a number of significant changes from the current rules. The major components are listed below.

- We continue to offer temporary signage opportunities for new and relocated businesses. These are in the form of grand opening signs and in opportunities to use temporary signs until permanent signage can be manufactured and installed. This section closely mirrors the current rules with the exception of size limits. We are proposing a maximum of 32 square feet to be consistent with the size of temporary signs in business locations. This consistency in the size of temporary signs is one of the changes suggested by the City Attorney.
- We continue to offer opportunities for construction signage for contractors working on sites within the City. This is a continuation of the current rules with some adjustment in the maximum size of signs.
- Real estate signage is clearly identified in its own section. Previously the rules for real estate signs had to be “interpreted” within more general provisions. We continue to use one sign size for non-residential properties and a smaller sign for residential properties as being more appropriate to scale of residential neighborhoods. Note that permits are not required except for the largest non-residential signs. The larger signs are required permits to make sure they are properly anchored.
- Campaign signs are also identified in a separate section for the first time. Campaign signs had previously required broad interpretation to identify the applicable rules. There are two major changes from the current rules. First, candidates who survive a primary election may leave the signs up through the general election. Currently these signs must be removed until 30 days before the general election. Secondly we are proposing a sign bond to guarantee removal of the signs and to make sure that all parties clearly understand the rules.

- Special event signage is a major departure from the current rules. The rule specifies signage which may be displayed during City approved special events. For other “civic” events, the sponsor must apply to the City Commission for approval to display special event signage.
- For businesses with special event activities during the larger event periods, such as vendors during Bike Week, signage is to be specified with the application and will be approved as part of the application.
- Finally, businesses can apply for signage for events related to that specific business for up to 90 days during any calendar year. This signage replaces the current \$1/day sign provision. We think this option gives each business some flexibility in using temporary signs to support business activities while reasonably limiting the proliferation of temporary signage. Permits are required to track the 90 day limit.
- Sections have been added for A-frame signs as supporting signage at the pedestrian level, and a provision is added for help wanted signs.

RECOMMENDATION: The staff is seeking the Board’s comments and recommendations. Once we have input from the Board, we propose to send the draft regulation to the Board of Realtors and to the Chamber of Commerce for their input before submitting the item to the City Commission for consideration.

ATTACHMENTS:

- Section 110-7 Adopted Temporary Sign Rules (PDF)
- Draft Temporary Sign Rule with BOPA Commentary (PDF)

2. Agenda Item (ID # 1146)

R-1 Building Setback Study Progress Report on Study of Existing R-1 Residentially Zoned Areas to Determine the Level of Compliance with Existing Front Yard Setbacks.

DISCUSSION: In December the BOPA heard a varaince case regarding relief from the R-1 front yard setback. As part of the resolution of that case the Board asked staff to look at the existing R-1 zoned areas and determine, if possible, how many existing homes comply with the required setbacks. This information will help the Board determine if they should recommend a revision to the setbacks.

Staff accepted the project, but to date limited progress has been made on the study.

We have determined an appropriate methodology for the study, but it was not until the week of July 20th that the essential maps and survey records could be produced by Public Works. Staff was also involved in other priority projects including the temporary signage regulations report that is on this agenda. The planning staff is also dependent on other departments for input data, and with all of the City departments, we are operating with limited staff to address a wide variety of projects and priorities.

Mr. Ronald Strange has submitted a letter regarding this study. (See copy attached.) He is concerned that the study has not made more progress as he has delayed construction of a new home on a lot he owns pending the outcome of the study. Staff has been in periodic contact with Mr. Strange or his builder of the intervening months. However, we have been unable to provide a firm completion date for the study as we needed critical input data as recently as the end of July.

Essentially progress on the study has been limited due to the limited amount of staff time available for these types of more discretionary activities for both the planning staff and supporting departments. We have also had other higher priority work which has been assigned over the intervening months including development plan reviews, zoning amendments and comprehensive plan amendments. While we recognize the R-1 study is of high importance to Mr. Stange and his construction time line, other projects such as the temporary sign analysis impacts many more residents and businesses. However, now that we have the base mapping and survey data available, staff hopes to have the study available for the Board at your October meeting.

ATTACHMENTS:

- Strangem Letter (PDF)

3. Agenda Item (ID # 1151)

Z-2015-05 Fountainhead MPUD Request by the Applicant to Approve a Mixed Use Planned Unit Development for the 1200 Center Street Property.

Staff and the applicant have been negotiating a planned unit development agreement for development of a mixed use planned unit development project on the former middle school property. The project is proposed to include office development, medical services, child day care and other uses. The agreement is still under development at this time, and staff is recommending that that item be deferred to the Board's September meeting.

4. Old Business**5. Communications****1. Agenda Item (ID # 1150)**

September Meeting Date

The regular meeting date falls on labor day. Please bring your calendars so we can pick a new meeting date. Dates that are not available are Wednesday September 9th (commission chambers in use) and Monday September 14th (city planner not available)

6. Adjournment**7. Agenda Item**



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: August 17, 2015
FROM: Bridget Barton
SUBJECT: June 1, 2015 Minutes
NUMBER: (ID # 1120)
APPLICANT:
PLANNER:

- Minutes June 1, 2015 (PDF)



Board of Planning and Appeals

Regular Meeting

~ Minutes ~

1065 Ridgewood Ave
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Thomas Harowski
386-248-9424

Monday, June 1, 2015

6:30 PM

City Commission Chamber

1. Call to Order

Roll Call

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	

Invocation

Mr. Myer delivered the Invocation.

Pledge of Allegiance to the Flag

Mr. Myer led the Pledge of Allegiance.

2. Minutes

Monday, March 02, 2015

Agenda Item 2015-30

Minutes Monday, March 02, 2015

ATTACHMENTS:

- Minutes Monday, March 02, 2015 (PDF)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jim Legary, Board Member
SECONDER: Edward H Perkins, Board Member
AYES: Myer, Via, Perkins, Featherston, Legary

3. New Business

1. Agenda Item 2015-31

Attachment: Minutes June 1, 2015 (1120 : June 1, 2015 Minutes)

1585 Garden Avenue Rezoning An Application from the Property Owner, Miro Lakic, to Rezone the Parcel at 1585 Garden Avenue from R-3 Medium Density Single-Family Residential to CC-1 Commercial Corridor District

COMMENTS - Current Meeting:

Mr. Harowski gave a detailed description as it pertains to 1585 Garden Avenue rezoning, an application from the property owner, Miro Lakic, to rezone the parcel at 1585 Garden Avenue from R-3 medium density single-family residential to CC-1 commercial corridor district.

Mr. Legary stated he felt the rezoning request is consistent with the surrounding area's zoning.

Mr. Myer opened public discussion.

Miro Lakic, owner of 1585 Garden Avenue stated the current zoning of his property does not allow for the type of business he wants to open.

Mr. Perkins asked Mr. Lakic what type of business he wanted to open.

Mr. Lakic stated it would be mineral/gem sales (general commercial use).

Mr. Perkins asked why staff was not purposing to rezone the property to an industrial use.

Mr. Harowski stated the CC-1 zoning district includes light industrial and is consistent with the surrounding zoning classifications.

Mr. Harowski stated he received a phone call from the lady who lives adjacent and to the north of 1585 Garden Avenue. She was inquiring about the nature of the rezoning request but stated she would not be in attendance tonight to either support or oppose the request.

Mr. Myer asked the Board to make a motion.

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

2. Agenda Item 2015-32

V-2015-02 792 Lakewood Request for a Variance of 10 Feet from the Required Rear Yard Setback of 20 Feet to Allow Construction of a Screened Patio Within the Required Rear Yard Setback.

COMMENTS - Current Meeting:

Mr. Harowski gave a detailed description as it pertains to 792 Lakewood Drive, request for a variance of 10 feet from the required rear yard setback of 20 feet to allow construction of a screened patio within the required rear yard setback.

Mr. Myer asked what was located in the common area abutting the parcel in question.

Mr. Harowski stated it was a stormwater management common area with a fringe of trees and a large grass area.

Mr. Myer asked Mr. Harowski if stormwater management was the current use of the common area.

Mr. Harowski stated yes.

Mr. Myer opened public discussion.

Christine Hetrick, owner of the property located at 792 Lakewood Drive addressed the Board and expressed her need for the variance.

Mr. Legary stated he went to the site and discussed the variance request with the president of the Home Owner Association (HOA) who indicated the HOA had no issues with the request being granted.

Mrs. Hetrick entered photos into evidence for the Board's review.

Mr. Myer asked Mr. Harowski if staff had any comments from the adjacent property owners.

Mr. Harowski stated he did not hear from any of the adjacent property owners.

Mr. Myer stated this was a unique situation and due to the fact the property backed a common area it was not impacting the surrounding neighbors.

Mr. Myer asked the Board to make a motion.

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

3. Agenda Item 2015-33

Restaurant Special Exception Rule Discussion of the Special Exception Provisions for Restaurants in the City of Holly Hill Commercial Zoning Districts to Determine If Changes to the Regulations Should be Considered.

COMMENTS - Current Meeting:

Mr. Harowski gave a detailed description as it pertains to Restaurant Special Exception Rule, discussion of the special exception provisions for restaurants in the City of Holly Hill commercial zoning districts to determine if changes to the regulations should be considered. This discussion is needed to address an issue with regards to a proposed restaurant on US 1. The staff and the applicant encountered a condition in the land development regulations which needs to be discussed to determine if any code revisions should be made. This item is being brought before the Board of Planning and Appeals to initiate this discussion process. Should the Board wish to make a recommendation, staff can carry that recommendation to the City Commission for their consideration.

Mr. Myer asked Mr. Harowski if the purpose of the mandatory wall required as part of the special exception is to buffer noise.

Mr. Harowski stated he believes so but he was not sure when this provision was put in the Land Development Code and what issues were evident at the time that caused this buffering requirement.

Mr. Harowski stated the buffering regulations are not applied to existing structures maintaining the same use but towards changes of use in an existing structure and new construction.

Mr. Perkins asked what prompted the need to discuss modifying the buffer regulations.

Mr. Harowski stated it was as a result of not being able to accommodate a restaurant looking to go in to the old Denny's building as well as a restaurant looking to go in to the Winn Dixie shopping center due to the current buffering requirements.

Ms. Featherston stated she felt restricting restaurants was a bad idea and was in favor of eliminating the provisions entirely with the exception of the 50 foot buffering regulation.

Mr. Myer asked Ms. Featherston if she is suggesting the restaurant layer be removed but leave the commercial layer as is.

Ms. Featherston stated that is what she is suggesting.

Mr. Simpson stated this is a use restriction not a building restriction and suggests the Board consider keeping the overlay and changing the criteria.

Mr. Via stated the current provisions are applicable to all restaurants not just the old Denny's building and if the provisions were removed altogether it could cause problems for residents when a new restaurant came in.

Mr. Legary stated he felt the buffering requirements should increase when the hours of operation are extended. Basically the later the restaurant is open the more intensive the buffering should be.

Mr. Perkins stated he agreed with modifying the special exception criteria for restaurants as opposed to repealing it and would like to see if staff could come up with a way for it to be handled on an individual basis.

Mr. Simpson stated the current special exception criteria for restaurants is turning potential restaurant owners off.

Ms. Featherston asked Mr. Simpson if she is being asked to look at the current criteria and amend it.

Mr. Simpson stated yes.

Mr. Harowski stated the special exception process is pretty quick in terms of getting an answer. The special exception request goes in front of City Commission who has criteria to reference as well as looking at the site to determine if the special exception request meets or does not meet the criteria set forth by the code.

Mr. Harowski further stated the challenge the City Commission faces is the way the code is written. Right now they are unable to consider any alternatives to the special exception requirements for restaurants.

Mr. Via asked Mr. Harowski if the Board was to consider changing the hours specified in the special exception criteria to 10:00 pm and 6:00 am would the Denny's property be able to be used as a restaurant.

Mr. Harowski stated he did not know as he did not discuss the hours of operation with the potential tenant of the old Denny's building.

Mr. Myer stated his suggestion is to tie the setback requirements to the buffer requirements as well as changing the hours of operation that triggers the special exception requirement.

Mr. Myer also suggested to tie the parking requirements to the setback/buffer requirements and to tie the buffer material to the setback; meaning the closer you park to a residential area the more intensive the screening material should be.

Mr. Legary asked Mr. Harowski what he thought was the most effective in terms of buffers.

Mr. Harowski stated a wall was the most effective type of buffer.

Mr. Myer stated the Board would recommend to the City Commission to consider amending the following:

-hours of operations

-buffer requirements so that the closer you get to residential the more intensive the buffering requirements should be (sliding scale)

-modest outdoor music

Mr. Myer opened public discussion.

A representative for the property owner of 841 Ridgewood Avenue stated the main question he receives is the permitted use of the property. The property owner normally has anyone interested in the property speak to the City about the permitted uses and the answers given by the City is usually pretty vague. He also stated he met with the City Manager, the Mayor and a code enforcement officer and was told a tenant could apply for restaurant use and just not open past 9:00 pm until they get the special exception. The gentleman stated he felt that would be a bad business plan and felt he was in a grey area where he really didn't know what to tell folks in terms of permitted uses for the building.

Mr. Legary asked if the restaurant equipment was still in tact.

The representative for the property owner of 841 Ridgewood Avenue stated that yes the restaurant equipment was left intact and fully operational.

Mr. Simpson stated the consensus of the Board is to lessen the restrictions to encourage businesses while still protecting the residential properties.

RESULT:	RECOMMENDATION
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4. Old Business

None.

5. Communications

None.

6. Adjournment

The meeting adjourned around 8:00pm.



STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

Board of Planning and Appeals
Agenda Item

MEETING DATE: August 17, 2015
FROM: Thomas Harowski
SUBJECT: Temporary Sign Rules Z-2015-04 Revision of the Rules Governing
Temporary Signage Including Business Signage, Real Estate
Signs and Campaign Signs.
NUMBER: (ID # 1140)
APPLICANT: City of Holly Hill
PLANNER: Thomas Harowski

INTRODUCTION: This report presents suggested revisions to the temporary sign rules for the City. The BOPA is being asked to review the proposal and provide a recommendation to the City Commission.

BACKGROUND: Earlier this year the BOPA heard a request to amend the regulations for temporary signs to allow the use of A-Frame signs and “help wanted” signs. During the discussion on the proposed amendment, the Board requested that staff review the entire section on temporary signs and more fully integrate the proposed signs into an updated temporary sign rule. The proposed amendment results from staff research into temporary sign regulations along with a review of recent court decisions on signage regulations and limits.

The proposed regulation is offered essentially as a complete replacement for the existing sign regulation. The proposed rule is offered in the attached document which includes both the proposed regulation and a section with commentary adding some notes and additional insight into the proposed rule.

DISCUSSION: The proposed regulation offers a number of significant changes from the current rules. The major components are listed below.

- We continue to offer temporary signage opportunities for new and relocated businesses. These are in the form of grand opening signs and in opportunities to use temporary signs until permanent signage can be manufactured and installed. This section closely mirrors the current rules with the exception of size limits. We are proposing a maximum of 32 square feet to be consistent with the size of temporary signs in business locations. This consistency in the size of temporary signs is one of the changes suggested by the City Attorney.

- We continue to offer opportunities for construction signage for contractors working on sites within the City. This is a continuation of the current rules with some adjustment in the maximum size of signs.
- Real estate signage is clearly identified in its own section. Previously the rules for real estate signs had to be “interpreted” within more general provisions. We continue to use one sign size for non-residential properties and a smaller sign for residential properties as being more appropriate to scale of residential neighborhoods. Note that permits are not required except for the largest non-residential signs. The larger signs are required permits to make sure they are properly anchored.
- Campaign signs are also identified in a separate section for the first time. Campaign signs had previously required broad interpretation to identify the applicable rules. There are two major changes from the current rules. First, candidates who survive a primary election may leave the signs up through the general election. Currently these signs must be removed until 30 days before the general election. Secondly we are proposing a sign bond to guarantee removal of the signs and to make sure that all parties clearly understand the rules.
- Special event signage is a major departure from the current rules. The rule specifies signage which may be displayed during City approved special events. For other “civic” events, the sponsor must apply to the City Commission for approval to display special event signage.
- For businesses with special event activities during the larger event periods, such as vendors during Bike Week, signage is to be specified with the application and will be approved as part of the application.
- Finally, businesses can apply for signage for events related to that specific business for up to 90 days during any calendar year. This signage replaces the current \$1/day sign provision. We think this option gives each business some flexibility in using temporary signs to support business activities while reasonably limiting the proliferation of temporary signage. Permits are required to track the 90 day limit.
- Sections have been added for A-frame signs as supporting signage at the pedestrian level, and a provision is added for help wanted signs.

RECOMMENDATION: The staff is seeking the Board's comments and recommendations. Once we have input from the Board, we propose to send the draft regulation to the Board of Realtors and to the Chamber of Commerce for their input before submitting the item to the City Commission for consideration.

- Section 110-7 Adopted Temporary Sign Rules (PDF)
- Draft Temporary Sign Rule with BOPA Commentary (PDF)

Sec. 110-7. Temporary signs.

- (a) *Permitted locations.* Temporary signs are allowed throughout the city, subject to the restrictions imposed by this section and other relevant parts of this chapter.
- (b) *Permitted sign types.* A temporary sign may be a ground or building sign.
- (c) *Removal of illegal temporary signs.* A temporary sign not complying with the requirements of this chapter is illegal and subject to immediate removal.
- (d) *Restrictions on content; banner signs.*
 - (1) A temporary sign may display any message so long as it is not:
 - a. Harmful to minors as defined in this subpart.
 - b. Advertising as defined in this subpart, except that advertising for the following purposes may be displayed:
 - 1. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located.
 - 2. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding 30 days within the first three months that the occupancy is open for business.
 - 3. To identify construction in progress. Such message shall not be displayed more than 60 days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this subsection, but construction is not initiated within 60 days after the message is displayed, or if construction is discontinued for a period of more than 60 days, the message shall be removed, pending initiation or continuation of construction activities.
 - 4. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than 60 days or until installation of permanent signs, whichever shall occur first.
 - 5. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message may be displayed no more than 30 days prior to the opening of the temporary use and shall be removed within five days after the special event.
 - 6. Other temporary signage may be allowed on commercial and industrial property by daily permit for a period of up to one year on any one permit. Permits shall be for consecutive days. Temporary signage shall not exceed a maximum of one sign for each 25 feet of lot frontage, and temporary signage for commercial activity shall be limited to products and services which are offered at the business site where the signage is displayed.
 - (2) One banner sign may be placed against the face of a principal building for up to 30 consecutive days, but not more than a total of 90 days in any calendar year. The size of such banner signs shall not be more than one square foot per one linear foot of building width (frontage).
- (e) *Size, height and number.*
 - (1) *One-family and two-family residences.* A parcel on which is located a single one-family or two-family residence may display not more than two temporary signs with an aggregate sign area of not more than ten square feet. No individual sign shall exceed six square feet or exceed eight feet in height.

- (2) *Three-family and four-family residences.* A parcel on which is located a single three-family or four-family residence may display not more than four temporary signs with an aggregate sign area of not more than ten square feet. No individual sign shall exceed six square feet or exceed eight feet in height.
 - (3) *Other parcels.* Temporary signage allowed under subsections (d)(1)b.1 through 6 above may display one square foot of temporary signage per ten feet of frontage up to a maximum of 100 square feet. No individual sign shall exceed 60 square feet or exceed ten feet in height. Signs must be spaced at least 100 feet apart.
- (Ord. No. 2352, § 2(10.4), 7-13-93; Ord. No. 2932, 3-26-13)

Sec. 110-7. Temporary sign

- (a) *Permitted locations.* Temporary signs are allowed throughout the city, subject to the restrictions imposed by this section and other relevant parts of this chapter.
- (b) *Permitted sign types.* A temporary sign may be a ground or building sign.
- (c) *Removal of illegal temporary signs.* A temporary sign not complying with the requirements of this chapter is illegal and subject to immediate removal.
- (d) *Restrictions on Content.* Temporary signs are allowed for each of the following activities provided the signs are properly permitted and adhere to the requirements for the number and size of signs. Temporary signs may not be used for purposes otherwise prohibited under Section 110.6. Temporary signage advertising products or services shall be limited to products and services which are offered at the business site where the signage is displayed. Unless specifically noted, permits are required for temporary signs.
 - 1. Signage for New and Relocated Businesses. New and relocated businesses shall be allowed temporary signage in addition to other signage allowed by this code for the following purposes:
 - a) **Grand Opening Sign:** One grand opening sign not to exceed 32 square feet may be displayed as a wall sign, and one grand opening sign not to exceed 32 square feet may be displayed on a permanent ground sign for a period not to exceed 60 consecutive days during the first 90 days the business is open at the new location. Businesses located on corner lots may display one of each type of temporary grand opening side on each street frontage. A permit is required prior to the display of this temporary signage.
 - b) **New Business Sign:** To identify the presence of a new business or a business at a new location, if such business has no permanent signs, the business may display temporary wall signs and ground signs meeting the allowable signage areas for permanent signs of each type. These temporary signs may be displayed for a period not to exceed 90 days or until installation of permanent signage, whichever occurs first. A permit is required prior to the display of this type of temporary signage.

Commentary

Proposal deletes all of current sub-section (d) and subsection (e). Scott had some problems with original Subsection (d) which are now removed.

No maximum height for temporary signs is proposed other than the maximum height for all signs.

These are standard provisions in most codes to support new and relocated businesses. The 32 sf is used as a standard maximum size for most temporary business signage. Varying sign sizes were identified by the City Attorney as a potential weakness if challenged.

Temporary signs may only be used until permanent business signs are obtained; not in place of these signs.

2. Construction Signage. Where new construction or remodeling is permitted for a site, the primary contractor and sub-contractors may display signs as follows:
 - a) The primary contractor may display one sign per road frontage not to exceed 32 square feet in area and a maximum of eight (8) feet in height.
 - b) Each subcontractor may display one sign not to exceed 16 square feet in area and a maximum of eight (8) feet in height.
 - c) Construction signage shall not be erected until a building permit is issued and must be removed within seven (7) days following the issuance of a certificate of occupancy. A permit is not required for qualified construction signage.
3. Real Estate Signage: Properties that are actively for sale or lease may display signage advertising the sale or lease of property as follows:
 - a) Residential properties of four units or fewer may display the following signage offering the property for sale or lease. A permit shall not be required for this signage.
 - 1) One sign not to exceed six (6) square feet offering the property for sale or lease may be displayed on each road frontage.
 - 2) Each sign may display a maximum of three additional "blades" or add-on signs provided the total area for all of the add-on signs does not exceed a maximum of five (5) square feet and provided that the add-on signs do not exceed the width of the primary real estate sign.
 - 3) In lieu of one of the allowable blade or add-on signs, the primary real estate sign may include a tube or other similar container with information about the property for sale or lease.

A smaller sign is proposed for the subcontractor as they are an order below the prime contractor.

No permit is required so we will need to watch potential construction sites for compliance.

This is the first attempt to codify real estate signs. These are not clearly addressed in the current code.

I have used 6 sf as the "standard" size for residential area signs.

Most realtors do this so why not sanction the signs.

- 4) Properties with frontage on the Halifax River may display one additional real estate sign facing the river.
- b) Residential properties of five units or more may display the following signage offering the property for sale or lease. A permit is not required for this signage.
 - 1) One real estate sign not exceeding 16 square feet offering the property for sale may be displayed on each road frontage.
 - 2) Properties with frontage on the Halifax River may display one additional real estate sign facing the river.
 - 3) Signage offering individual units for rent or for sale in the case of individual condominium unit sales shall comply with the standards for real estate signage as set forth in Section 110-7 (d) 3 a above.
- c) Open house signs for residential properties offered for sale are permitted in addition to other real estate signs subject to the following conditions. No permit is required for open house signage.
 - 1) One sign not to exceed six square feet shall be permitted on each road frontage.
 - 2) The sign shall be displayed only on the day of the open house and must be removed each day at the end of the open house.
- d) Non-residential properties may display the following signage offering properties for sale or lease.
 - 1) One real estate sign not exceeding 32 square feet offering the property for

Multi-family properties are bigger so they get larger signs.

There may be a potential issue with b3, as it can yield lots of smaller signs on multi-family sites. If we don't see a good option for individual units, we may want to drop this section.

Do we want to consider some type of allowance for off-site signs for open houses? The realtors will do it anyway. The option is to not specifically allow them and then code enforce if necessary.

On non-residential properties, these real estate signs can be more or less permanent as larger centers typically have continuing vacancies.

sale may be displayed on each road frontage.

- 2) For any sign measuring 32 square feet, a permit shall be required.
 - e) Visibility requirements for all real estate signs: All real estate signs shall be located outside the required visibility areas at street intersections and at driveways. Additionally signs shall be placed a minimum of five (5) feet from all property lines.
4. Political Campaign Signs. Temporary signage for political campaigns is permitted subject to the following limitations:
- a) One political campaign sign not to exceed six (6) square feet in area is permitted on each street frontage for each candidate or issue in a currently scheduled election.
 - b) On non-residential properties, one additional temporary campaign sign not to exceed 32 square feet in area shall be allowed on each street frontage. (This provision is not intended to limit the use of permanent changeable copy signs to display campaign messages.)
 - c) Political campaign signs shall not be erected more than thirty (30) days prior to an election and shall be removed within ten days after the election. Signs for a winning candidate in a primary election may be maintained until ten days after the general election.
 - d) The placement and removal of all political signs shall be the joint responsibility of the owner of the property upon which the sign is placed, the owner of such sign, and the candidate for whom the sign was placed. Each such person shall be jointly and severally liable for a violation for the terms and conditions of the sign permit.
 - e) No signs shall be erected on public property or right-of-way.

This is the first attempt to clearly specify political signs. The sign sizes for residential and commercial locations are consistent with other types of temporary signs. The period of display is different as the display period is linked to the need.

Non-residential sites can have small signs just as a residential site, plus they get to have one large sign if desired.

This is a change from our current practice. Now they have to remove the signs between the primary and the general election. This provision allows the winners to keep their signs out.

- f) Prior to the erection of any sign, a \$250.00 cash bond shall be posted by the candidate or committee wishing to erect campaign signage to ensure removal of campaign signs as required by this ordinance. Should the candidate fail or refuse to remove the campaign signs, the City shall have the authority to remove the signs and charge the cost of removal against the bond posted by the candidate.
5. Special Event Signage. Signs intended to promote or advertise business events such as going out of business sales and special events as established by the City Commission shall be permitted in non-residential districts subject to the following regulations:
- a) For designated special events including Bike Week, Biketoberfest and any other event officially approved by the City Commission, a business may display one temporary sign not to exceed 32 square feet. Such signs may be displayed up to two (2) days before the official term of the special event, and must be removed the day after the special event concludes.
- b) For Bike Week and Biketoberfest, businesses with special event permits issued by the City may display additional temporary signage as approved with the special event permit. Such signage shall be displayed only during the valid term of the special event permit.

The bond provision is offered in part to address non-local campaigns that typically have not followed local rules. By getting the deposit they are told the rules and are expected to follow them. The City Clerk will collect the bond and determine if the candidate complies. This provision is a change from our current practice.

If the event is not an “official” city event such as the Civil War re-enactment, then the promoters will have to apply to the City Commission for signage approval. The Commission doesn’t have to approve the event, just the ability to have the sign. If we let them self-certify, then people will come up with all sorts of creative events to have added signs.

This provision is the logical extension of the special event permit. If we allow the event, then the promoter can have signage so long as it is covered by the permit.

- c) For business special events such as going out of business sales or special sales, businesses shall be permitted one temporary sign not to exceed 32 square feet for up to 90 days in any calendar year, with each use not to exceed 30 consecutive days. For businesses located on corner properties, one sign is permitted for each street frontage. Signs may be banner signs, wall signs or ground signs. Permits are required for business special event signage.
6. Other Temporary Signs: In addition to other temporary signs, the following signs may be displayed subject to the conditions specified.
- a) One A-frame sign not exceeding six square feet may be placed upon an interior sidewalk closest to the business entry point. Where no sidewalk exists, the sign may be placed in front of the business but must remain outside required parking, drive aisles and buffers.
 - 1) A permit shall be required and the permit shall be renewed annually with the payment of a renewal fee.
 - 2) The signs shall be made of wood, aluminum, heavy gauge plastic or metal and may include a chalk board. The sign shall be sturdy enough to withstand reasonable wind loading conditions without blowing over.
 - 3) A letter of authorization from the owner and/or management entity shall be required for a business tenant.
 - 4) All signs shall be placed to provide a minimum four foot clear area for all sidewalks.
 - 5) Signs shall be removed from the sidewalk when the business is closed.

This provision replaces the \$1/day “temporary” sign. A business is entitled to up to 90 days per year for added temporary signs. This usage could be coordinated with holidays, anniversary sales, etc.

The City Commission wanted an a-frame sign option. This is modeled on the Ormond Beach rule. The signs are intended as a supplement for pedestrian use and are scaled in size and located in support of that end.

- b) One “Help Wanted” sign not to exceed four square feet may be placed on a non-residential property to advertise the business is hiring. No permit is required.

The Commission wanted an opportunity for help wanted signs. The BOPA was concerned about how long these signs could be displayed. This proposal does not include a time limit and relies on the business owner to remove the sign when the position is filled.



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: August 17, 2015
FROM: Bridget Barton
SUBJECT: R-1 Building Setback Study Progress Report on Study of Existing
R-1 Residentially Zoned Areas to Determine the Level of
Compliance with Existing Front Yard Setbacks.
NUMBER: (ID # 1146)
APPLICANT: City of Holly Hill
PLANNER: Thomas Harowski

DISCUSSION: In December the BOPA heard a varaince case regarding relief from the R-1 front yard setback. As part of the resolution of that case the Board asked staff to look at the existing R-1 zoned areas and determine, if possible, how many existing homes comply with the required setbacks. This information will help the Board determine if they should recommend a revision to the setbacks.

Staff accepted the project, but to date limited progress has been made on the study. We have determined an appropriate methodology for the study, but it was not until the week of July 20th that the essential maps and survey records could be produced by Public Works. Staff was also involved in other priority projects including the temporary signage regulations report that is on this agenda. The planning staff is also dependent on other departments for input data, and with all of the City departments, we are operating with limited staff to address a wide variety of projects and priorities.

Mr. Ronald Strange has submitted a letter regarding this study. (See copy attached.) He is concerned that the study has not made more progress as he has delayed construction of a new home on a lot he owns pending the outcome of the study. Staff

has been in periodic contact with Mr. Strange or his builder of the intervening months. However, we have been unable to provide a firm completion date for the study as we needed critical input data as recently as the end of July.

Essentially progress on the study has been limited due to the limited amount of staff time available for these types of more discretionary activities for both the planning staff and supporting departments. We have also had other higher priority work which has been assigned over the intervening months including development plan reviews, zoning amendments and comprehensive plan amendments. While we recognize the R-1 study is of high importance to Mr. Stange and his construction time line, other projects such as the temporary sign analysis impacts many more residents and businesses. However, now that we have the base mapping and survey data available, staff hopes to have the study available for the Board at your October meeting.

- Strangem Letter (PDF)

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AGENDA PACKET FOR AUGUST 3, 2015 BOARD MEETING

At the board meeting of February 2, 2015, Mr. Myer asked Mr. Harowski if he would be considering changing the R-1 requirements or change the zoning for an R-1 to a less restrictive zoning district. Mr. Harowski stated staff may want to investigate whether the 35 foot front setback is the most appropriate setback for the R-1 zoning district or if a modification to that setback is needed.

The Board approved considering looking into revising the R-1 setback requirements.

Because the majority of the Board did not take office until February 2, 2015, we would like to provide a synopsis of why we are very interested in the outcome of the study the Board requested regarding a reduction in the R-1 setback law.

We own a vacant lot immediately south of 1650 Riverside Drive in Holly Hill. We purchased the lot in late 2013 with the purpose of building our retirement house. The only reason we purchased the lot was because of the view of the river across the front yard of the property at 1650 Riverside Drive.

We were about a month away from requesting a building permit when we received a certified - return receipt letter in December, 2014 from the owners of the property at 1650 Riverside Drive. The letter advised of their request to obtain a 10 foot variance from the required front yard setback of 35 feet to allow construction of a garage extension.

This 10 foot garage extension would substantially reduce our view of the river from our proposed new house. Therefore, we appeared at the January 5, 2015 meeting and opposed the variance. It was obvious to us that the discussions of the Board members suggested they were going to deny the request. Then at the last minute, the Board tabled the vote until the February 2, 2015 Board meeting.

Subsequent to the January 5, 2015 meeting, we were made aware of the fact that the view across the front yard at 1650 Riverside Drive could change at any time. These changes could come in the form of trees and shrubs being added or personal property being added.

It was obvious we had to secure the site line across the front yard at 1650 Riverside Drive and try to obtain a reduction of the setback being requested. We therefore entered into discussions with the owners of 1650 Riverside Drive. A compromise was reached; the compromise was we would drop our opposition to the variance and the owners of 1650 Riverside Drive would give us a deed restriction on their front yard that prohibits planting

of trees, plants, etc. over 3 feet in height and they would modify their variance request from 10 feet to 8 feet.

The modified variance was passed by the Board at the February 2, 2015 meeting and subsequently by the City Commissioners.

The proposed garage extension has been built and is now complete. The 8 foot garage extension does reduce our view of the river.

We would like to build our house at a minimum 27 foot setback.

We told our contractor to completely halt any work he is doing on our proposed house until the Board has a chance to review the need for changing the front setback to something less than 35 feet.

We contacted Mr. Harowski in April, 2015 seeking the status of the setback study. He stated there was a more pressing task at hand, but as soon as that task was completed, he would be able to start the study.

We again contacted Mr. Harowski in late May/early June as to the status and he said the other task had been completed and he would be able to start the study as soon as he received some documents from another city department.

We received a call on July 13, 2015 from our contractor Mr. John Junco of New Horizon Construction, Inc. Mr. Junco stated he received a call from Mr. Harowski that day and was advised by Mr. Harowski that he has not started the study and has no plans to start it.

MEMBERS OF THE BOARD, WE ARE VERY DISTRAUGHT ABOUT HEARING THERE IS NO STUDY STARTED AND NONE IS PLANNED. WE HAVE PUT OUR PROPOSED HOUSE PLANS ON HOLD FOR MANY MONTHS AWAITING THE OUTCOME OF THE SETBACK STUDY.

SINCE THIS BOARD AUTHORIZED THE STUDY, WE ARE ASKING YOU TO GIVE US AN ANSWER AS TO WHEN THIS STUDY IS GOING TO BE STARTED AND AN APPROXIMATION AS TO A COMPLETION DATE.



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: August 17, 2015
FROM: Thomas Harowski
SUBJECT: Z-2015-05 Fountainhead MPUD Request by the Applicant to
Approve a Mixed Use Planned Unit Development for the 1200
Center Street Property.
NUMBER: (ID # 1151)
APPLICANT: Clay Ervin, Zev Cohen & Associates
PLANNER: Thomas Harowski

Staff and the applicant have been negotiating a planned unit development agreement for development of a mixed use planned unit development project on the former middle school property. The project is proposed to include office development, medical services, child day care and other uses. The agreement is still under development at this time, and staff is recommending that that item be deferred to the Board's September meeting.



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

**Board of Planning and Appeals
Agenda Item**

MEETING DATE: August 17, 2015
FROM: Bridget Barton
SUBJECT: September Meeting Date
NUMBER: (ID # 1150)
APPLICANT:
PLANNER: Thomas Harowski

The regular meeting date falls on labor day. Please bring your calendars so we can pick a new meeting date. Dates that are not available are Wednesday September 9th (commission chambers in use) and Monday September 14th (city planner not available)