CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

AGENDA ● SEPTEMBER 7, 2021

City Commission Chamber	BOPA Regular Meeting	6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

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

PLANNING & APPEALS BOARD MEMBERS

Chairman
Mike Myer

Board Member
Arthur J. Byrnes

Board Member
Dennis Smith

Board Member
Robin D. Hanger

Board Member
Tony Cassata

CITY PLANNER
Brian Walker

Building & Zoning
Eleni Deligianis

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. BOPA MINUTES APPROVAL

1. Minutes - BOPA July 12, 2021

   (Requested by Eleni Deligianis, Board of Planning and Appeals)

V. MINUTES APPROVAL

VI. AGENDA ITEM

1. VARIANCE - 826 Daytona Avenue - Request a Variance from the Requirements of Sec. 114-742 (2) A. 2 Requiring that Accessory Structures in All Zoning Districts be Located Behind the Principal Structure on the Lot. Such Request is Made in Order to Place a 121 Square Foot Gazebo on a Parcel in the R-3 (Single-Family) Zoning District, Located on the West Side of Daytona Avenue, Approximately 300 Feet North of 8Th Street, and More Particularly Known as 826 Daytona Avenue; V-2021-01 (Charles Morris, Applicant) (Brian Walker, City Planner).

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

VII. ORDINANCES

1. Ordinance AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 1.23 ACRES IDENTIFIED AS PARCEL NUMBER 4244-01-07-0081 CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY AND THE ADJACENT RIGHT-OF-WAY OF 8Th STREET; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

2. Ordinance AN ORDINANCE ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS IN ACCORDANCE WITH CH. 163, PART II, FLORIDA STATUTES; CREATING THE PROPERTY RIGHTS ELEMENT TO ADD GOALS, OBJECTIVES FOR PROPERTY RIGHTS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 163.3177(6)(I)1; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

VIII. OLD BUSINESS

IX. BOARD/STAFF COMMUNICATIONS

X. ADJOURNMENT

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

NOTICE – If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and, for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such a record.

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

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

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

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

Board of Planning and Appeals
Agenda Item

MEETING DATE:	**September 7, 2021**
FROM:	**Eleni Deligianis**
SUBJECT:	**Minutes - BOPA July 12, 2021**
NUMBER:	**(ID # 3439)**
APPLICANT:	
PLANNER:	

DISCUSSION: Minutes from BOPA July 12, 2021

MOTION: Approve as submitted by staff.

- JULY 2021 BOPA MINUTES (PDF)

CITY OF HOLLY HILL, FLORIDA

BOARD OF PLANNING AND APPEALS

MINUTES ● JULY 12, 2021

Large Conference Room **BOPA Regular Meeting** **6:00 PM**

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

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

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Arthur J. Byrnes	Board Member	Present	
Mike Myer	Chairman	Present	
Robin D. Hanger	Board Member	Present	
Dennis Smith	Board Member	Present	
Tony Cassata	Board Member	Present	

2. INNVOCATION

Invocation was led by Mike Meyer.

3. PLEDGE OF ALLEGIANCE

Pledge of Allegiance was skipped due to no flag present in room.

4. BOPA MINUTES APPROVAL

Minutes were approved.

1. Minutes - May 3, 2021 BOPA Meeting

   (Requested by Eleni Deligianis, Board of Planning and Appeals)

5. AGENDA ITEM(S)

1. An Ordinance of the City of Holly Hill, Florida, Amending the Land Development Regulations, by Rezoning the Parcel Described in Exhibit a from Cc-1 (Commercial Corridor District) to Bpud (Business Planned Unit Development); Providing for Conflicting Ordinances; Providing for Severability; and Providing an Effective Date.

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

   Brian Walker, Community Development Director/City Planner summarized his staff report.

   The applicant is requesting a rezone to BPUD (Business Planned Unit Development) in order to develop a recreational vehicle and boat storage facility in conjunction with a

sports facility on the same site. The property is currently the location for an automotive body shop and the applicant proposes to eliminate this use. The BPUD is being requested in order to allow new uses and provide flexibility with regard to parking standards and buffering that could not be achieved under a straight zoning district.

Landscaping and buffers will be required per the Conceptual Preliminary Development Plan. Landscaping above and beyond basic code requirements is proposed.

Staff recommends the City Commission adopt the Ordinance enacting a Rezone from CC-1 (Commercial Corridor) to BPUD (Business Planned Unit Development) and the associated Development Agreement and Preliminary Plan, for approximately 2.38 acres, located on the east side of Nova Road S approximately 375 feet south of Gold Avenue and more specifically known as 1137 S. Nova Road.

Harry Newkirk, Newkirk Engineering, spoke on behalf of the request giving a brief description of proposal.

Arthur Byrnes asked if there was going to be public viewing or public events. Newkirk responded, that there would be viewing provided for parents and no public events.

Arthur Byrnes asked about a cross access easement between Flight and Volusia Sports and Storage Center. Mr. Walker stated it was proposed and discussed with the owner of Flight and they said no.

Robin Hanger was recognized because of late attendance.

Motion to recommend the Rezone to BPUD (Business Planned Unit Development) by Tony Cassata and seconded by Robin Hanger.

6. OLD BUSINESS

Moving the BOPA meeting start time to 5:30pm was brought to a vote.

Motion to recommend by Robin Hanger, seconded by Dennis Smith. Brought to a discussion, Arthur Byrnes, Tony Cassata, and Mike Myer voted against the time change. Motion died.

7. BOARD/STAFF COMMUNICATIONS

Mike Myer distributed Robert's Rules of Order.

8. ADJOURNMENT

Meeting adjourned at 6:26PM by Mike Myer.

HOLLY HILL
FLORIDA

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

Board of Planning and Appeals
Agenda Item

MEETING DATE:	**September 7, 2021**
FROM:	**Brian Walker**
SUBJECT:	**VARIANCE - 826 Daytona Avenue - Request a Variance from the Requirements of Sec. 114-742 (2) A. 2 Requiring that Accessory Structures in All Zoning Districts be Located Behind the Principal Structure on the Lot. Such Request is Made in Order to Place a 121 Square Foot Gazebo on a Parcel in the R-3 (Single-Family) Zoning District, Located on the West Side of Daytona Avenue, Approximately 300 Feet North of 8Th Street, and More Particularly Known as 826 Daytona Avenue; V-2021-01 (Charles Morris, Applicant) (Brian Walker, City Planner).**
NUMBER:	**(ID # 3402)**
APPLICANT:	**Charles Morris**
PLANNER:	**Brian Walker**

INTRODUCTION

VARIANCE - 826 Daytona Avenue - Request a variance from the requirements of Sec. 114-742 (2) A. 2 requiring that accessory structures in all zoning districts be located behind the principal structure on the lot. Such request is made in order to place a 121 square foot gazebo on a parcel in the R-3 (Single-Family) zoning district, located on the west side of Daytona Avenue, approximately 300 feet north of 8th Street, and more particularly known as 826 Daytona Avenue; V-2021-01 (Charles Morris, Applicant) (Brian Walker, City Planner).

BACKGROUND

- The lot's parent parcel is part of the Re-Subdivision of Lots 3 and 4 Block 12 Mason Carswell Subdivision created in August 1925.
- The lot contains a home built in 1935.
- On April 6th, 2021, an approximately 121 square foot gazebo was delivered and installed in the front yard of the home at 826 Daytona Ave.
- Sec. 114-742 (2) A. 2 of the Land Development Regulations state in part that, "Accessory structures and uses in all zoning districts are to be located behind the principal structure on the lot."
- Sec. 78-14 of the Land Development Regulations state that an "Accessory use or structure means any use or structure, clearly incidental, subordinate and related to the principal use or structure and located on the same lot with

such principal use or structure. The term shall include but not be limited to satellite dish antennas, windmills, solar energy equipment, detached garages and carports, above-grade swimming pools and utility sheds."

- On April 7th, 2021, the homeowner was cited by code enforcement for having a gazebo installed in front of the home without a permit.
- On April 15th, the homeowner / applicant submitted a permit application for the gazebo.

DISCUSSION: The homeowner at 826 Daytona Avenue has submitted a permit request for a gazebo in the front yard. Under current regulations the gazebo is considered an accessory structure and is therefore required to be placed behind the main structure. In order for staff to consider approving the permit request, the applicant would need to receive a variance approving the location of the gazebo. Therefore, the applicant has submitted an application for a variance request.

1. Staff has spoken with the gazebo provider and verified that the applicant made a good faith effort with regard to inquiring whether or not a permit was required prior to the gazebo's delivery. The applicant was not provided accurate information.

2. The home was built in 1935 and placed approximately 1.75 feet from the rear yard property line meaning that the home does not have a rear yard. It is not possible in any way, even with a much smaller gazebo, to comply with the requirement to place the structure behind the home.

3. The gazebo is purely decorative in nature and does not serve as a shed or any other type of storage facility. The applicant does sit inside the gazebo at times.

4. The gazebo does not encroach into any of the required setbacks and is non-conforming only with respect to its placement in front of the home.

5. The two neighbor's directly in front of the applicant, who have a direct view of the gazebo, as well as the neighbor directly abutting the property on the south, all signed a document stating that they have no objection to the gazebo. The neighbor to the north was sent a certified letter, return receipt requested, and has not stated any objection to the gazebo's location.

Should the variance request be granted, the applicant will be permitted to keep the gazebo in the front yard. Should the variance request be denied, the applicant will be required to remove the gazebo.

REQUESTED VARIANCE: Request a variance from the requirement of Sec. 114-742 (2) A. 2 that accessory structures and uses are to be located behind the principal structure on the lot."

In order to grant the variance request the commission must find that the request meets

the requirements of Sec. 82-317.

VARIANCE CRITERIA - Sec. 82-317

CRITERIA No. 1:
That special conditions and circumstances exist which are peculiar to the land, structure or building involved, as distinguished from the applicant himself, and which are not applicable to other lands, structures or buildings in the same zoning district:

FINDINGS OF FACT No. 1:
The home on the property was built in 1935 and placed approximately 1.75 feet from the rear property line, basically eliminating a backyard. There are 15 homes on Daytona Avenue between 8th and 9th Street and the subject home is the only one without a backyard.

Criteria met? *Yes*

CRITERIA No. 2:
That the special conditions and circumstances do not result from the actions of the applicant:

FINDINGS OF FACT No. 2:
The home was not placed in its location by the applicant.

Criteria met? *Yes*

CRITERIA No. 3:
That granting the variance requested will not confer on the applicant any special privilege that is denied by this subpart to other lands, buildings or structures in the same zoning district:

FINDINGS OF FACT No. 3:
Granting the variance will not confer a special privilege on the applicant. The applicant requests the variance in order to place a decorative gazebo in his front yard because he does not have a backyard.

Criteria met? *Yes*

CRITERIA No. 4:
That a literal interpretation of the provisions of this subpart would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this subpart, and would work an unnecessary and undue hardship on the applicant:

FINDINGS OF FACT No. 4:
A literal interpretation of the provisions of this subpart would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the

terms of this subpart, and would work an unnecessary and undue hardship on the applicant.

Criteria met: *Yes*

CRITERIA No. 5:
That the variance granted is the minimum variance necessary to make possible the reasonable use of the land, building or structure:

FINDINGS OF FACT No. 5:
The property does not have a backyard. The gazebo is approximately 121 square feet and meets all of the required setbacks. The requested variance is the minimum necessary to make reasonable use of the property.

Criteria met? *Yes*

CRITERIA No. 6:
That the grant of the variance will be in harmony with the general intent and purpose of this subpart and the city's comprehensive plan, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

FINDINGS OF FACT No. 6:
Granting the variance is in harmony with the general intent and purpose of the Comprehensive Plan and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Criteria met? *Yes*

FINDINGS OF FACT: Staff finds that the applicant has met all of the criteria as stated above to grant the requested variance.

ADDITIONAL INFORMATION:
Sec. 82-320. - Expiration.
A variance shall begin to serve the purpose for which it was granted within 18 months following the granting action by the city commission and shall otherwise become void. However, a shorter period of time may be stipulated by the city commission in an individual case as a condition imposed pursuant to Section 82-316.

STAFF RECOMMENDATION:
Staff recommends with conditions, approval of the request for a variance from the requirements of Sec. 114-742 (2) A. 2, requiring that accessory structures and uses in all zoning districts be located behind the principal structure on the lot, as applied to a 121 square foot gazebo on a parcel in the R-3 (Single-Family) zoning district, located on the west side of Daytona Avenue, approximately 300 feet north of 8th Street, and more particularly known as 826 Daytona Avenue.

Staff recommends the following conditions be attached to the approval of the variance

request:
1. The gazebo cannot be enlarged or modified nor can it be replaced with anything but another gazebo of the same size or smaller.
2. The variance applies to the gazebo only and nothing else.
3. The gazebo is decorative only and can be used for sitting and enjoying the outdoors in a manner similar to a porch. It cannot be used for storage or any other purpose.
4. The gazebo must meet all setback requirements for the R-3 zoning district and can't be moved to another location without going through the variance process again.
5. The gazebo must be well maintained and shall not be allowed to deteriorate, rot, become a home to vermin, or otherwise become a source of blight or it shall become subject to code enforcement action by the City.

- PA Information Sheet (PDF)
- Application (PDF)
- Notification to Neighbors (PDF)
- Pictures (PDF)

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3206843 **Parcel ID: 424259060080**
MORRIS CHARLES T **826 DAYTONA AVE, HOLLY HILL, FL**

Parcel Summary

Alternate Key:	3206843
Parcel ID:	424259060080
Township-Range-Section:	14 - 32 - 42
Subdivision-Block-Lot:	59 - 06 - 0080
Owner(s):	MORRIS CHARLES T - - 100
Mailing Address On File:	826 DAYTONA AVE HOLLY HILL FL 32117
Physical Address:	826 DAYTONA AVE, HOLLY HILL 32117
Property Use:	0100 - SINGLE FAMILY
Tax District:	203-HOLLY HILL
2020 Certified Millage Rate:	19.8226
Neighborhood:	2212
Business Name:	
Subdivision Name:	
Homestead Property:	Yes

AltKey: 3206843 **Parcel ID: 424259060080**

MORRIS CHARLES T **826 DAYTONA AVE, HOLLY HILL, FL**

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

LOT 8 & S 1/2 OF LOT 9 BLK F SUB LOTS 3 TO 6 INC BLK 12 M & C HOLLY HILL INC PER OR 4181 PG 3774

V#21-947

HOLLY HILL
FLORIDA

1065 Ridgewood Avenue, Holly Hill, FL 32117
TELEPHONE: (386) 248-9442 PERMITDESK@HOLLYHILLFL.ORG

VARIANCE

COMPLETE APPLICATION PACKET MUST BE SUBMITTED BY APPLICATION DUE DATE IN ORDER TO MEET THE DEADLINE FOR THE DESIRED MEETING

PROPERTY

PARCEL ID #: 4242-59-06-0080

ADDRESS: 826 Daytona Ave. Holly Hill, FL

TOTAL ACREAGE: RESIDENTIAL .14 acres (6000 sq. ft) USE OF PROPERTY: ☒ RESIDENTIAL ☐ NON-

ZONING: R-3 FUTURE LAND USE: Low Density Single-Fam. Res.

TYPE OF STRUCTURE: ☐ SHED ☐ FENCE ☐ POOL ☒ SCREEN ENCLOSURE Gazebo ☐ ADDITION ☐ SINGLE FAMILY HOME

DESCRIPTION OF STRUCTURE: 121 sq.ft. Gazebo

TYPE OF VARIANCE:

☒ **FRONT YARD SETBACK**	REQUIRED: ____ FT.	PROPOSED: ____ FT.
☐ **SIDE YARD SETBACK**	REQUIRED: ____ FT.	PROPOSED: ____ FT.
☐ **SIDE STREET SETBACK**	REQUIRED: ____ FT.	PROPOSED: ____ FT.
☐ **REAR YARD SETBACK**	REQUIRED: ____ FT.	PROPOSED: ____ FT.
☐ **MINIMUM LOT SIZE**	REQUIRED: ____ SQ. FT.	ACTUAL: ____ SQ. FT.
☐ **WIDTH AT BUILDING**	REQUIRED: ____ FT.	ACTUAL: ____ FT.
LINE	REQUIRED: ____ FT.	PROPOSED: ____ FT.
☐ **HEIGHT**		

* Location of accessory structure

IS THIS REQUEST FOR A STRUCTURE THAT HAS ALREADY BEEN BUILT? ☒ YES ☐ NO

IS THE PROPERTY AVAILABLE FOR INSPECTION WITHOUT APPOINTMENT? ☒ YES ☐ NO

OWNER

NAME: Charles Morris COMPANY:

ADDRESS: 826 Daytona Ave.

CITY: Holly Hill STATE: FL ZIP: 32117

PHONE: 386-262-2662 EMAIL:

386-238-0083

Revised 2018

V#_____

HOLLY HILL
FLORIDA

1065 Ridgewood Avenue, Holly Hill, FL 32117
TELEPHONE: (386) 248-9442 PERMITDESK@HOLLYHILLFL.ORG

AGENT/CONSULTANT

NAME: N/A	COMPANY:	
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	EMAIL:	

APPLICATION TYPE/FEE

☒ **VARIANCE – RESIDENTIAL**	$350.00 PER VARIANCE
☐ **VARIANCE – COMMERCIAL**	$500.00 PER VARIANCE

ATTACHMENT CHECKLIST

- ☒ APPLICATION
- ☒ APPLICATION FEE
- ☒ LIST OF PROPERTY OWNERS REQUIRING INDIVIDUAL NOTIFICATION. THE LIST AND NOTIFICATION LETTER WILL BE PROVIDED TO THE APPLICANT BY CITY STAFF. **THE APPLICANT WILL MAIL THE NOTIFICATIONS AT THEIR EXPENSE VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED.**
- ☒ QUESTIONNAIRE
- ☒ OWNERSHIP DISCLOSURE FORM (ADD'L DOCUMENTATION REQUIRED IF OWNER IS A TRUST OR CORPORATION)
- ☒ APPLICANT AUTHORIZATION FORM, IF APPLICABLE
- ☒ ONE SIGNED AND SEALED SURVEY OF THE PROPERTY (NO MORE THAN 2 YEARS OLD).
- ☒ DETAILED CONCEPTUAL SITE PLAN (SEE ATTACHED SAMPLE SITE PLAN)
- ☒ LETTERS OF SUPPORT FROM ADJACENT PROPERTY OWNERS, IF ANY
- ☒ HOME OWNERS ASSOCIATION DRB APPROVALS, IF ANY
- ☒ PHOTOGRAPHS, IF DESIRED

Revised 2018

V#_____

HOLLY HILL
FLORIDA

1065 Ridgewood Avenue, Holly Hill, FL 32117
TELEPHONE: (386) 248-9442 PERMITDESK@HOLLYHILLFL.ORG

I understand that the application for variance must include all required submittals. Submission of incomplete plans may create delays.

I hereby represent that I have the lawful right and authority to file this application.

Charles J. Morris — May 24, 2021

SIGNATURE OF OWNER/AUTHORIZED APPLICANT **DATE**

(PROOF OF PROPERTY OWNER'S AUTHORIZATION IS REQUIRED WITH SUBMITTAL IF SIGNED BY SOMEONE OTHER THAN THE PROPERTY OWNER)

Respond completely and fully to all six criteria listed below to demonstrate that the request meets the standards of Land Development Regulations of Holly Hill Sec. 82-317 for the granting of a variance:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

2. Describe how special conditions and circumstances that currently exist are not the result of the actions of the applicant or petitioner.

CITY OF HOLLY HILL
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

☒ Individual
☐ Partnership
☐ Limited Liability Company
☐ Land Trust
☐ Corporation
☐ Other (describe)

_____

List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER
Charles Morris	826 Daytona Ave. Holly Hill	386-262-2662
		386-238-0083

(Use additional sheets for more space.)

For each **corporation,** list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent (2%) or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

In the case of a **trust,** list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Community Development Director prior to the date of the public hearing on the application.

I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

5/24/2021
Date

Signature

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me, **by means of ☒ physical presence or ☐ online notarization,** this 24th day of May, 2021 (year), by Charles Morris, who is personally known to me or produced Drive's License as identification.

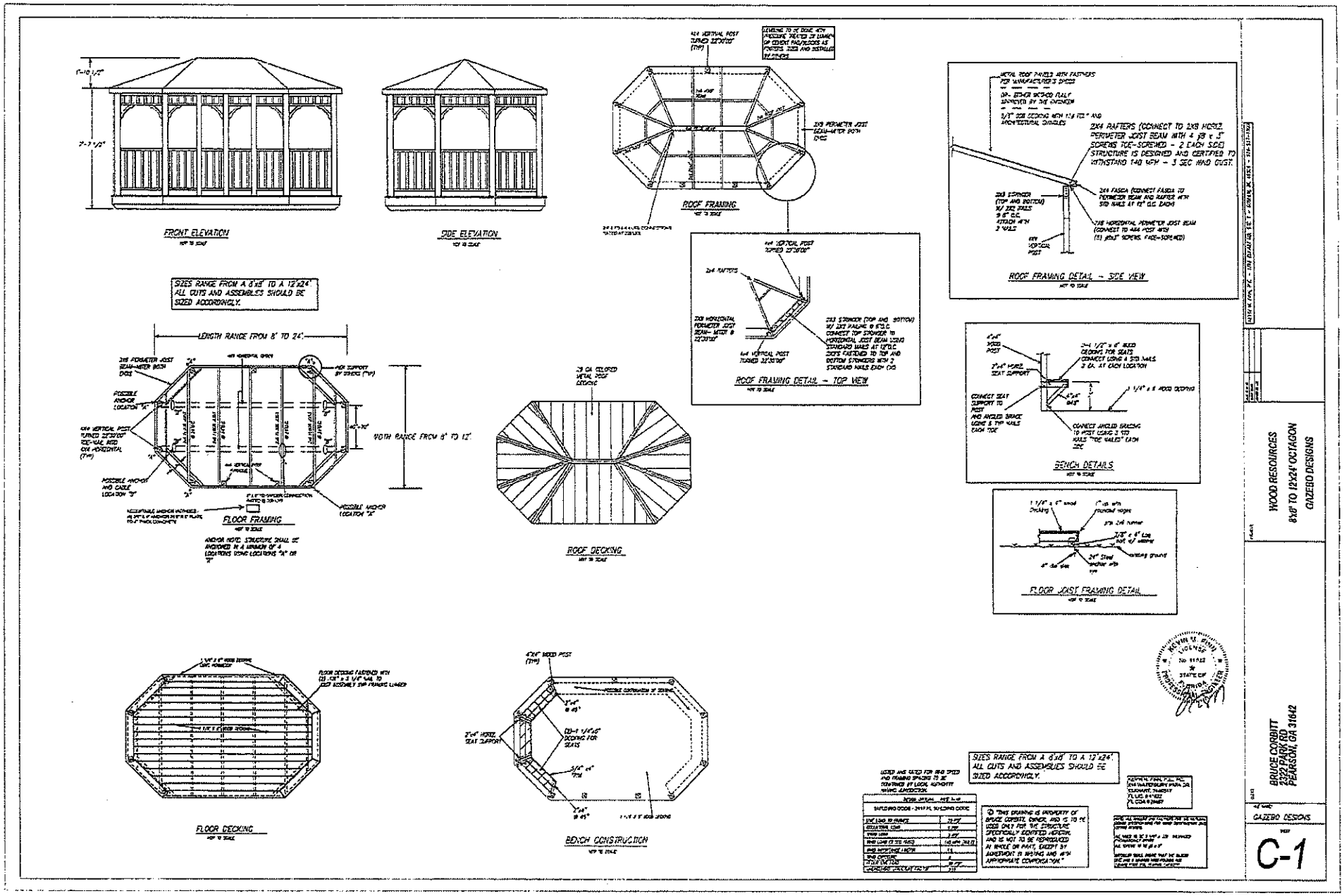
NOTARY PUBLIC, STATE OF FLORIDA

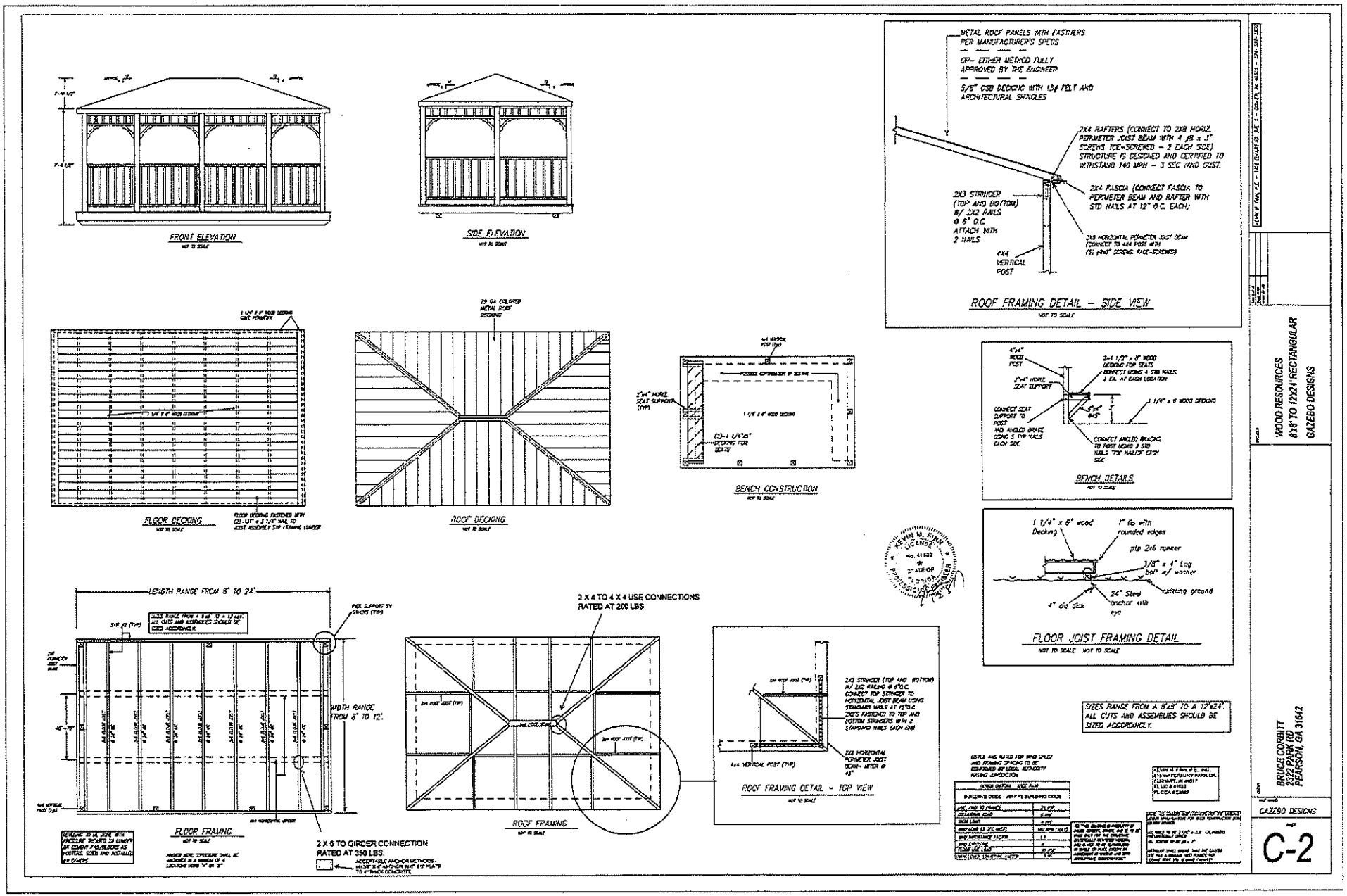
LANEY-ALEXA DELIGIANIS
Notary Public-State of Florida
Commission # HH 28801
My Commission Expires
August 05, 2024

Notary Signature

Laney-Alexa Deligianis
Printed Name

Commission No.: 8/5/24
My Commission Expires: HH 28801


FRONT ELEVATION
SIDE ELEVATION
ROOF FRAMING
ROOF FRAMING DETAIL – SIDE VIEW
ROOF FRAMING DETAIL – TOP VIEW
SIZES RANGE FROM A 8'x8' TO A 12'x24'. ALL CUTS AND ASSEMBLES SHOULD BE SIZED ACCORDINGLY.
LENGTH RANGE FROM 8' TO 24'
WIDTH RANGE FROM 8' TO 12'
FLOOR FRAMING
ROOF DECKING
BENCH DETAILS
FLOOR JOIST FRAMING DETAIL
FLOOR DECKING
BENCH CONSTRUCTION
SIZES RANGE FROM A 8'x8' TO A 12'x24'. ALL CUTS AND ASSEMBLES SHOULD BE SIZED ACCORDINGLY.
WOOD RESOURCES
8'x8' TO 12'x24' OCTAGON
GAZEBO DESIGNS
BRUCE CORBITT
2322 PARK RD
PEARSON, GA 31642
GAZEBO DESIGNS
C-1


FRONT ELEVATION
SIDE ELEVATION
METAL ROOF PANELS WITH FASTNERS PER MANUFACTURER'S SPECS
OR- EITHER METHOD FULLY APPROVED BY THE ENGINEER
5/8" OSB DECKING WITH 15# FELT AND ARCHITECTURAL SHINGLES
2X4 RAFTERS (CONNECT TO 2X8 HORIZ. PERIMETER JOIST BEAM WITH 4 #8 x 3" SCREWS TOE-SCREWED - 2 EACH SIDE) STRUCTURE IS DESIGNED AND CERTIFIED TO WITHSTAND 140 MPH - 3 SEC WIND GUST.
2X3 STRINGER (TOP AND BOTTOM) W/ 2X2 NAILS @ 6" O.C. ATTACH WITH 2 NAILS
2X4 FASCIA (CONNECT FASCIA TO PERIMETER BEAM AND RAFTER WITH STD NAILS AT 12" O.C. EACH)
4X4 VERTICAL POST
ROOF FRAMING DETAIL - SIDE VIEW
NOT TO SCALE
FLOOR DECKING
ROOF DECKING
29 GA COLORED METAL ROOF DECKING
BENCH CONSTRUCTION
BENCH DETAILS
4"x4" WOOD POST
2"x4" HORIZ. SEAT SUPPORT
2-1 1/2" x 8" WOOD DECKING FOR SEATS CONNECT USING 4 STD NAILS 3 EA. AT EACH LOCATION
1 1/4" x 8" WOOD DECKING
CONNECT SEAT SUPPORT TO POST AND ANGLED BRACE USING 5 1"ND NAILS EACH SIDE
CONNECT ANGLED BRACING TO POST USING 2 STD NAILS "TOE NAILED" EACH SIDE
1 1/4" x 6" wood Decking
1" tip with rounded edges
ptp 2x6 runner
3/8" x 4" Lag bolt w/ washer
existing ground
24" Steel anchor with eye
4" dia stick
FLOOR JOIST FRAMING DETAIL
NOT TO SCALE NOT TO SCALE
LENGTH RANGE FROM 8' TO 24'.
WIDTH RANGE FROM 8' TO 12'.
FLOOR FRAMING
2 X 6 TO GIRDER CONNECTION RATED AT 350 LBS.
2 X 4 TO 4 X 4 USE CONNECTIONS RATED AT 200 LBS.
ROOF FRAMING
2X3 STRINGER (TOP AND BOTTOM) W/ 2X2 NAILS @ 6" O.C. CONNECT TOP STRINGER TO HORIZONTAL JOIST BEAM USING STANDARD NAILS AT 12" O.C. 2X2'S FASTENED TO TOP AND BOTTOM STRINGERS WITH 2 STANDARD NAILS EACH END
2X8 HORIZONTAL PERIMETER JOIST BEAM- MITER @ 45°
4x4 VERTICAL POST (TYP)
ROOF FRAMING DETAIL - TOP VIEW
NOT TO SCALE
SIZES RANGE FROM A 8'x8' TO A 12'x24'. ALL CUTS AND ASSEMBLIES SHOULD BE SIZED ACCORDINGLY.
KEVIN M. KINN LICENSED PROFESSIONAL ENGINEER
WOOD RESOURCES
8'x8' TO 12'x24' RECTANGULAR
GAZEBO DESIGNS
BRUCE CORBITT
2322 PARK RD
PEARSON, GA 31642
GAZEBO DESIGNS
C-2

HOLLY HILL
FLORIDA

Building, Zoning, Licensing & Inspections
386-248-9442
Fax 386-248-9498

City Clerk
386-248-9441
Fax 386-248-9448

City Manager
386-248-9425
Fax 386-248-9448

Community Services
386-248-9435
Fax 386-248-9448

Economic Development
386-248-9444
Fax 386-248-9448

Finance
386-248-9427
Fax 386-248-9497

Human Resources
386-248-9440
Fax 386-248-9448

Information Technology
386-248-9459
Fax 386-248-9448

Public Works
386-248-9463
Fax 386-248-9499

Utility Billing
386-248-9432
Fax 386-248-9458

Mayor & City Commission
386-248-9441
Fax 386-248-9448

July 28, 2021

To the City of Holly Hill
Planning Director Brian Walker
386-248-9424

I am aware that my neighbor, Charles Morris, is seeking a variance to have a gazebo in his front yard.

My signature below confirms that I have no objection to there being a gazebo placed in the front yard at 826 Daytona Ave.

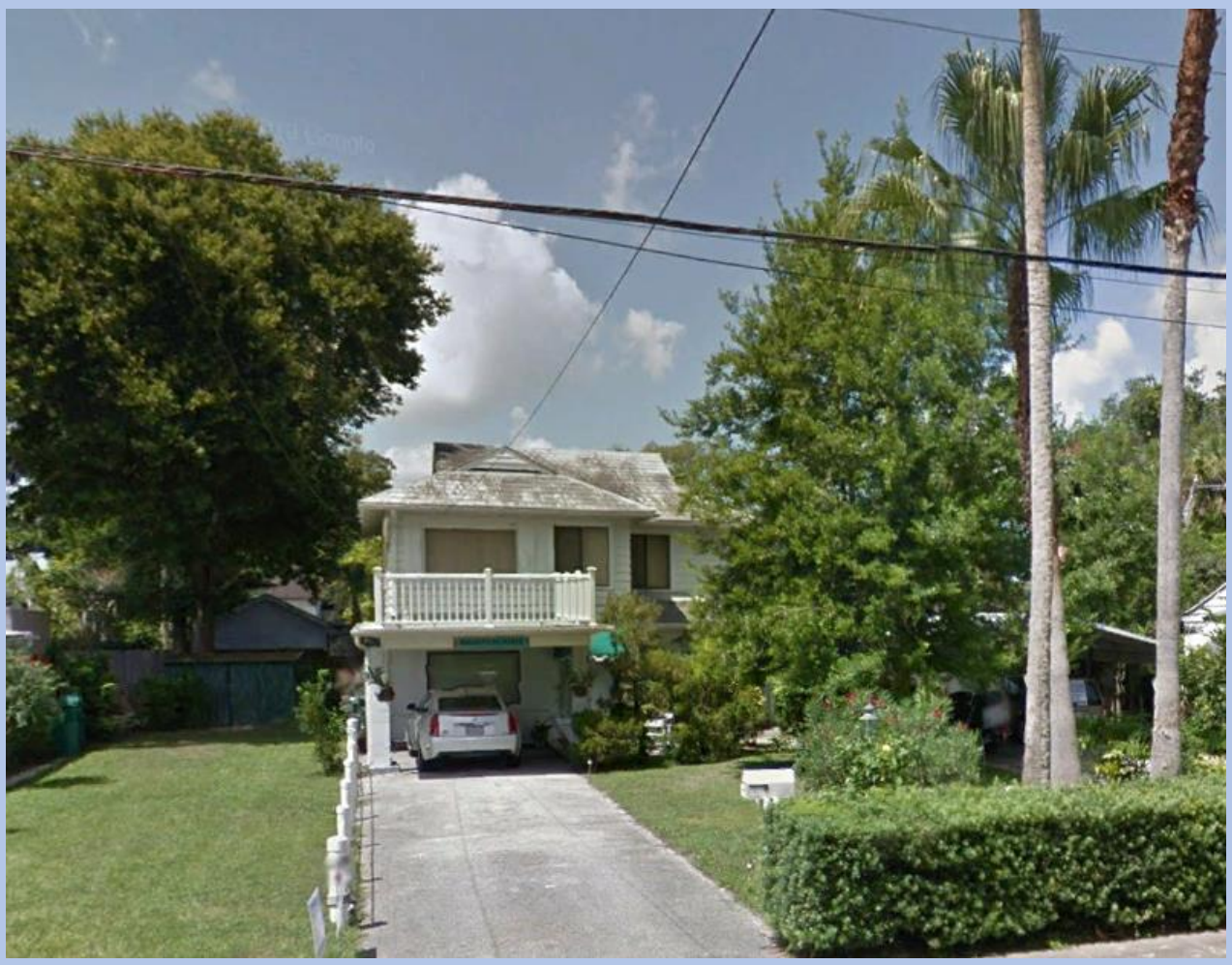
Neighbor at 834 Daytona Ave. Sent certified letter

Neighbor at 822 Daytona Ave. Jaumarie B. Moscatello

Neighbor at 827 Daytona Ave. Jennifer Robins

Neighbor at 823 Daytona Ave. Genesis Robinson

Front yard prior to placement of the gazebo.



Attachment: Pictures (3402 : Variance - Daytona Avenue (826))

The gazebo looking south

Aerial prior to placement of the gazebo. There is no backyard on this property.

Location Map

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

Board of Planning and Appeals
Ordinance

MEETING DATE:	**September 7, 2021**
FROM:	**Brian Walker**
SUBJECT:	**AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 1.23 ACRES IDENTIFIED AS PARCEL NUMBER 4244-01-07-0081 CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY AND THE ADJACENT RIGHT-OF-WAY OF 8Th STREET; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**
NUMBER:	**(ID # 3403)**
APPLICANT:	**Brian Walker**
PLANNER:	

INTRODUCTION: This request is to annex a parcel of approximately 1.23 acres, located approximately 350 feet west of Nova Road N on the north side of 8th Street. The parcel is more specifically known as 1012 8th Street. This application precedes a comprehensive plan amendment and a rezone.

BACKGROUND: The parcel is currently vacant residential and directly abuts property within the City of Holly Hill that is zoned CC-1 (Commercial Corridor) with a Commercial future land use, and property to the north zoned I-1 (Wholesale - Light Industrial) with a wholesale commercial and industrial future land use. The applicant has submitted a petition for voluntary annexation.

DISCUSSION: Florida Statutes Section 171.044 presents the requirements for voluntary annexation. The parcel is contiguous to the City limit. The annexation will result in a city limit that is reasonably compact and does not create an enclave. Therefore, the request meets the statutory requirements.

This request precedes a request for a comprehensive plan amendment and rezone that will allow light industrial and personal storage uses.

FINANCIAL IMPACTS: No financial impacts are expected other than an increase in taxable value.

RECOMMENDATION: Recommend the City Commission annex a parcel of approximately 1.23 acres, located approximately 350 feet west of Nova Road N on the north side of 8th Street and more specifically known as 1012 8th Street.

ATTACHMENTS:

- Application (PDF)
- Survey (PDF)
- PA Information Sheet (PDF)
- Exhibit B to Ordinance (PDF)
- County Zoning & FLU (PDF)
- Surrounding Zoning and FLU (PDF)

Ordinance No. (ID # 3403)

AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 1.23 ACRES IDENTIFIED AS PARCEL NUMBER 4244-01-07-0081 CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY AND THE ADJACENT RIGHT-OF-WAY OF 8TH STREET; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HOLLY HILL, VOLUSIA COUNTY FLORIDA, ANNEXING BY VOLUNTARY PETITION APPROXIMATELY 1.23 ACRES IDENTIFIED AS PARCEL NUMBER 4244-01-07-0081 CONTIGUOUS TO THE CITY OF HOLLY HILL; REDEFINING BOUNDARIES OF THE CITY OF HOLLY HILL TO INCLUDE SAID PROPERTY AND THE ADJACENT RIGHT-OF-WAY OF 8th STREET; DIRECTING THE CITY CLERK TO FILE THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT, WITH THE CHIEF ADMINISTRATIVE OFFICER OF VOLUSIA COUNTY AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bon-Properties FT LLC, owner of the real property described herein; and

WHEREAS, the owner filed, pursuant to Florida Statue 171.044, a petition for voluntary annexation of said property as described in Attachment A into the municipal limits of the City of Holly Hill; and

WHEREAS, the City Commission of the City of Holly Hill, has determined all of the property which is proposed to be annexed into the City of Holly Hill is within an unincorporated area of Volusia County, is contiguous to the City of Holly Hill, and is reasonably compact; and

WHEREAS, the map attached hereto as Exhibit B shows the property which is proposed to be annexed into the City of Holly Hill; and

WHEREAS, Exhibit A is the legal description of the property which is proposed to be annexed into the City of Holly Hill;

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

Section 1. The City Commission of the City of Holly Hill, based upon the above findings, hereby annexes into the City of Holly Hill by voluntary petition the following described property:

LEGAL DESCRIPTION: See Attached Exhibit A.

(Tax Parcel Number 4244-01-07-0081 and the adjacent right-of-way of 8th Street)

Section 2. The City of Holly Hill city boundary is hereby amended to incorporate the above described property.

Section 3. That within seven (7) days of the adoption of this Ordinance, the City Clerk shall file a copy of said Ordinance with the Clerk of the Court, with the Chief Administrative Officer of Volusia County, and with the Department of State.

Section 4. That upon approval on first reading, the City Clerk is hereby directed to publish the Notice of Annexation required by Section 171.044(2), Florida Statues, at least once each week for two (2) consecutive weeks in a newspaper of general circulation in the City of Holly Hill.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 6. That all ordinances made in conflict with this Ordinance are hereby

repealed.

Section 7. That this Ordinance shall become effective immediately upon its adoption.

ATTACHMENT A
LEGAL DESCRIPTION

The easterly ½ of the westerly ½ of the southerly ½ of Lot 8, Block 7, Mason & Carswells Holly Hill, according to map in Map Book 2, page 90, Public Records of Volusia County, Florida. Except that portion in the road.

CITY OF HOLLY HILL

Community Development Department
1065 Ridgewood Avenue, Holly Hill, FL 32117

(386) 248-9442
www.hollyhillfl.org

PETITION/CONSENT FOR ANNEXATION

For Planning Department Use

Application Number A-2021-02

Date Submitted 7-27-2021 ~~7-15-2021~~

APPLICANT INFORMATION

This application is being submitted by: ☑ Property Owner ☐ Agent on behalf of Property Owner*

Name: Bon-Properties FT LLC

Full Address: 1012 8th St, Daytona Beach FL 32117

Telephone: 386-871-6045 Email: metrocc@cfl.rr.com

* If this application is being submitted by a person other than the property owner, please provide the following Property Owner Information as well as a notarized letter designating you as agent.

PROPERTY OWNER INFORMATION**

Name: Bon-Properties FT LLC

Full Address: 709 Holly St, Daytona Beach FL 32117

Telephone: 386-871-6045 Email: metrocc@cfl.rr.com

** If the property owner does not reside on the property for which the application refers, please provide the following details.

PROPERTY DETAILS***

Full Address: 1012 8th Street, Daytona Beach

Parcel ID Number: 4244-01-07-0081

Subdivision: N/A

Legal Description: To be provided by surveyor

Total Acreage: 1.23

Present Use of Property: Vacant

Number of Residents On Site (if applicable): N/A

PROPERTY DETAILS(continued)

Existing Structures Located On Site	None.
County Future Land Use Designation	MXZ
Assessed Property Value	N/A
Taxable Value	N/A

***Proof of property ownership must be included with this Petition/Consent for Annexation.

REQUEST

Reason for Request

CERTIFICATION

I hereby certify that the information provided above is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and review process for this application. I hereby authorize the City of Holly Hill Staff to visit my property and to take pictures pertaining to my request. I am aware of the required pre-application meeting and am aware that if all of the required information is not provided, my application will be continued to the next regularly scheduled meeting.

Signature: _____

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 27 day of July 2021, by Thomas Bonarrigo, as Owner President (title*) for BON Properties-FL (name of corporation*), who (✓) provided FL DL as identification, or (_) who is personally known to me.

Edie McCormick
Notary Public, State of Florida
My Commission Expires:

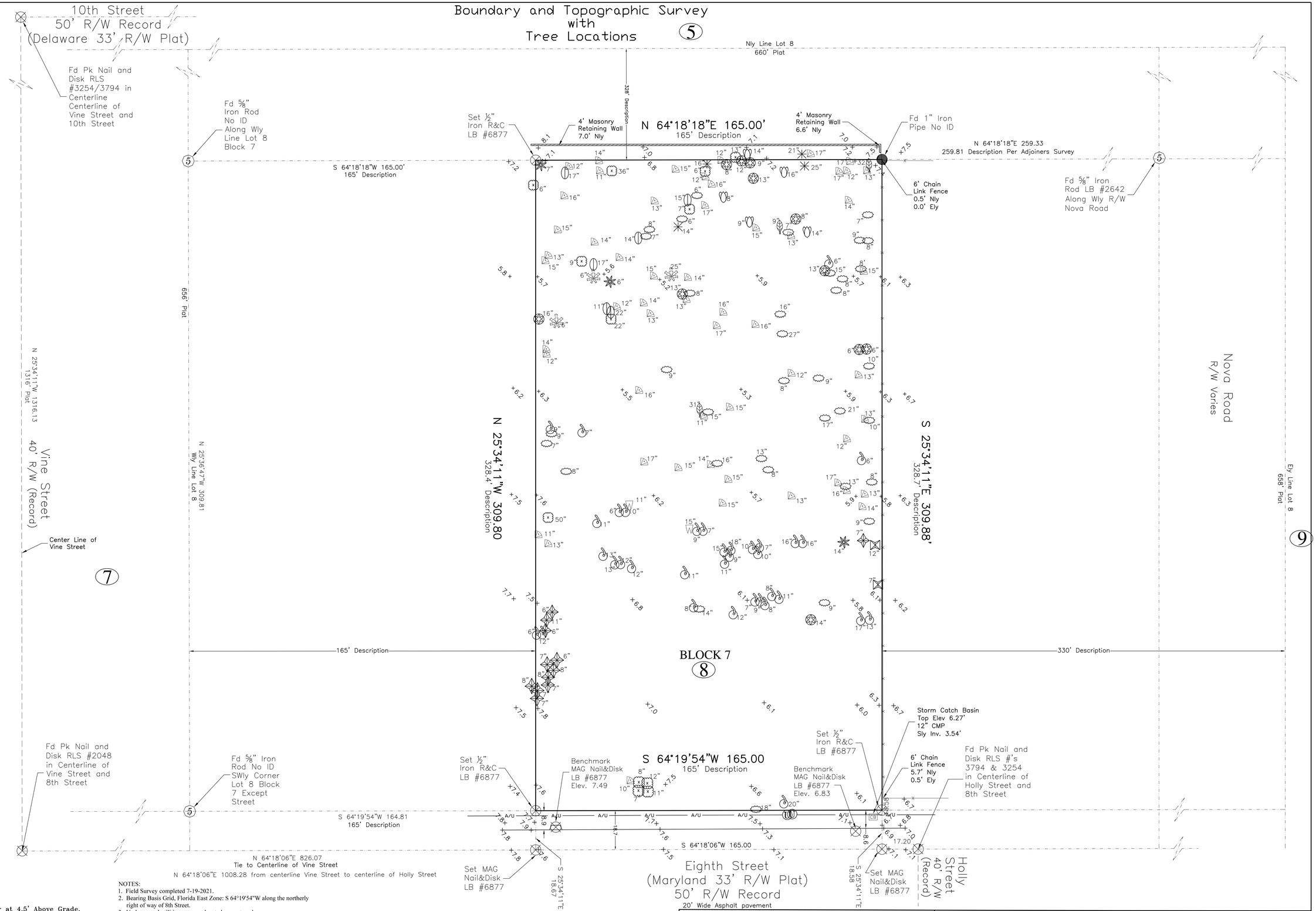
Space Coast Credit Union

EDIE MCCORMICK
Commission # GG 920276
Expires October 7, 2023
Bonded Thru Troy Fain Insurance 800-385-7019

* If you are executing this document on behalf of a company, please complete the spaces with your title and the name of your company as indicated.

Boundary and Topographic Survey with Tree Locations

5



SCALE : 1" = 20'

LEGEND:

- AC Air conditioning pad
- A\U Aerial utilities
- CALC Calculation
- CB Catch basin
- CL Centerline
- CLF Chain Link Fence
- CM Concrete monument
- CONC Concrete
- Cable riser
- Cable TV service
- Delta
- Degree
- DESC Description
- Doc Document
- E(LY) East(erly)
- Electric meter
- EMT Electrical metal tubing
- FD Found
- FLD Field
- FPL Florida Power and Light Corporation
- FPLS Florida Professional Land Surveyor
- Fire Hydrant
- Gas meter
- Guy Anchor
- ES Electric Service
- IP Iron pipe
- L Arc length
- LB Licensed business
- LS Licensed Surveyor
- N(LY) North(erly)
- NGVD National Geodetic Vertical Datum
- MES Mitered End Section
- MF Metal Fence
- PC Point of curve
- PCP Permanent control point
- POB Point of beginning
- POC Point of commencement
- POT Point of terminus
- PT Point of tangent
- R Radius
- R&C Rod and cap
- REC Recovered
- RLS Registered land surveyor
- R/W Right of Way
- Sign
- S(LY) South(erly)
- Telephone service
- TYP Typical
- Utility pole
- Utility services
- Well
- W(LY) West(erly)
- Water meter
- WF Wooden Fence
- VF Vinyl Fence

TREE LEGEND:

- BAY
- CEDAR
- CHERRY LAUREL
- CHINABERRY
- ELM
- HACKBERRY
- HICKORY
- MAPLE TREE
- MULLBERRY
- OAK
- PALM
- PECAN
- SUGARBERRY
- SWEETGUM

NOTE:
Number beside tree indicates diameter at 4.5' Above Grade.

NOTES:
1. Field Survey completed 7-19-2021.
2. Bearing Basis Grid, Florida East Zone: S 64°19'54"W along the northerly right of way of 8th Street.
3. Underground utilities were not located, except as shown.
4. Dimensions shown are feet and decimals thereof.
5. Elevations are North American Vertical Datum 1988.
6. Flood Zone X, FEMA, Volusia County 125155 Panel No. 12127C0356J Map revised 09/29/2017.

Legal description:
The easterly 1/2 of the westerly 1/2 of the southerly 1/2 of Lot 8, Block 7, Mason & Carswells Holly Hill, according to map in Map Book 2, page 90, Public Records of Volusia County, Florida. Except that portion in the road.

Job Number 21256 Crd #00020 FB 345 @ 20-22

MICHAEL M. MYER, FL PSM LS4006 _____

MYER LAND SURVEYING, INC., LICENSED BUSINESS #6877

Not valid unless signed and embossed with surveyor's seal and/or displaying a digital signature badge. The date of the digital signature is not the date of the field survey.

Special Purpose Site Survey Exclusively prepared for: Bon-Properties FT, LLC

MYER LAND SURVEYING, INC.
LICENSED BUSINESS #6877
MICHAEL M. MYER #LS 4006
PROFESSIONAL LAND SURVEYOR
316 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117
386 255-6304 Phone MyerLandSurveying@Gmail.Com

SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 20'		AJS/ALH	MMM	7/26/2021

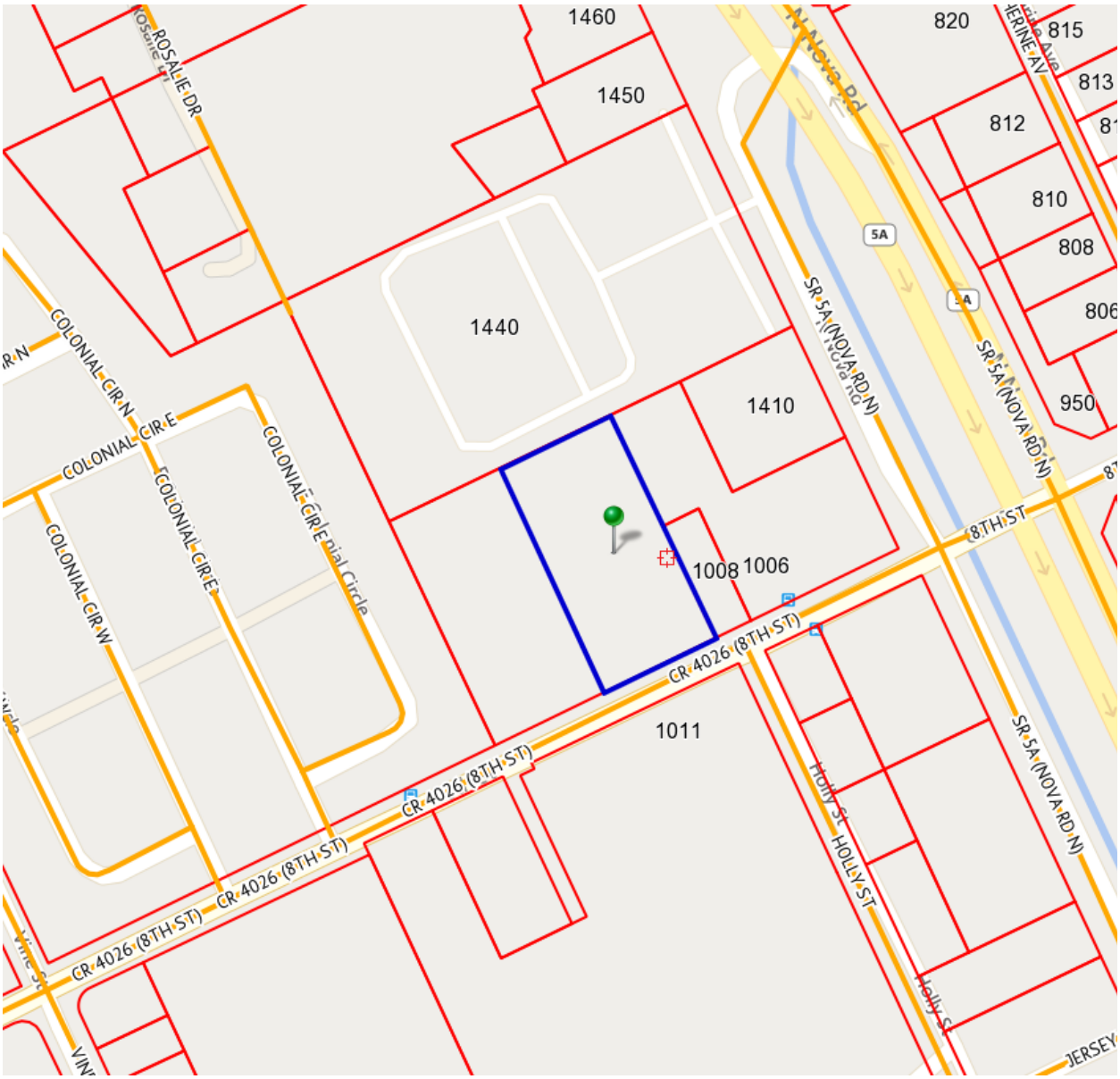
Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3219074 **Parcel ID: 424401070081**
BON-PROPERTIES FT LLC **1012 8TH ST, DAYTONA BEACH, FL**

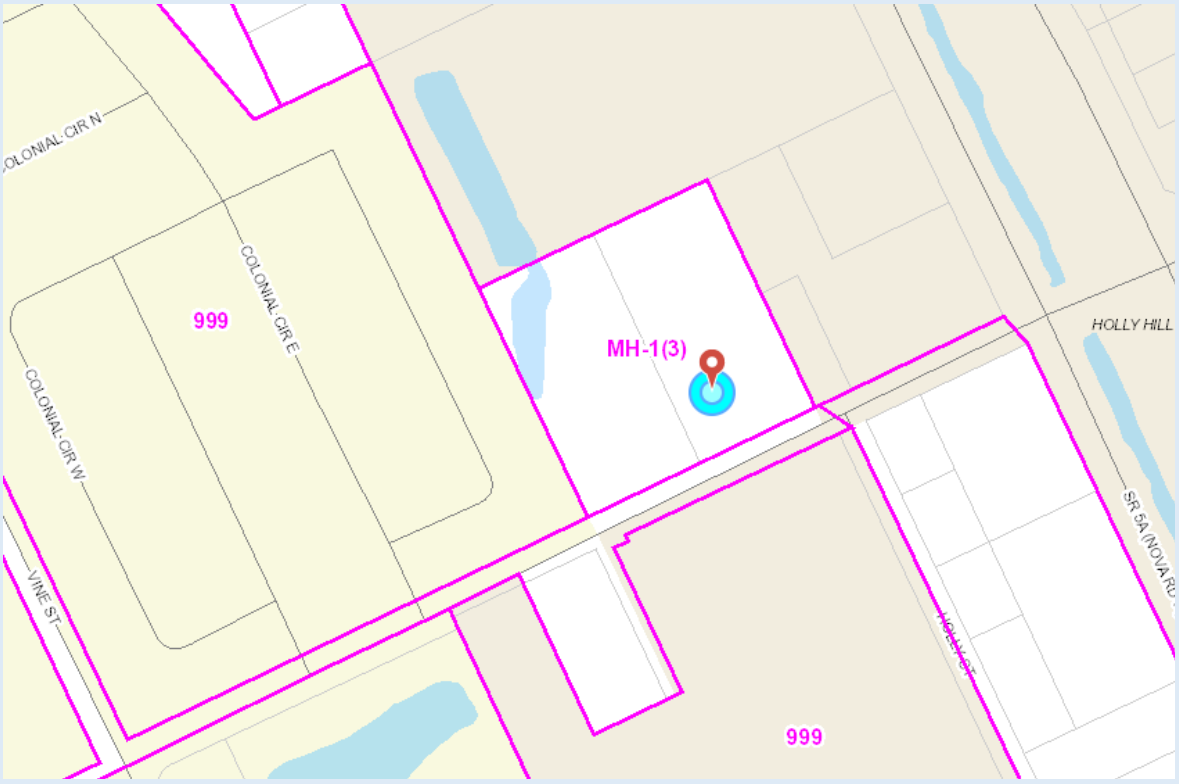
Parcel Summary

Alternate Key:	3219074
Parcel ID:	424401070081
Township-Range-Section:	14 - 32 - 44
Subdivision-Block-Lot:	01 - 07 - 0081
Owner(s):	BON-PROPERTIES FT LLC - FS - Fee Simple - 100
Mailing Address On File:	10 CLYDESDALE DR ORMOND BEACH FL 32174
Physical Address:	1012 8TH ST, DAYTONA BEACH 32117
Property Use:	0000 - VACANT RES
Tax District:	200-UNINCORPORATED - NORTHEAST
2020 Certified Millage Rate:	19.5221
Neighborhood:	2112
Business Name:	
Subdivision Name:	
Homestead Property:	No

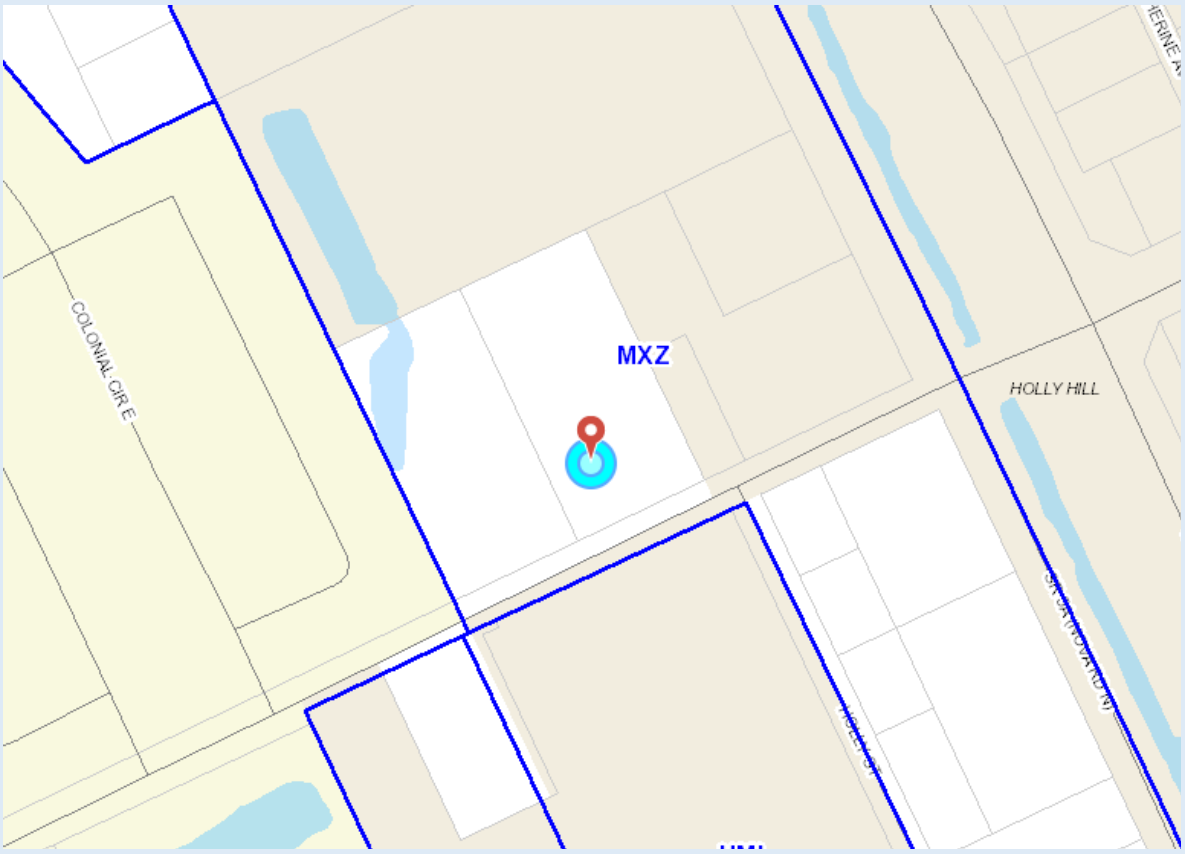
Property Map



Property currently has County zoning of MH-1 (Mobile Home Park)



Property currently has County FLU of MXZ (Mixed Use)



Surrounding City Zoning - CC-1, I-1 and Industrial PUD

Surrounding City FLU – Whole and Industrial and General Commercial

STAFF REPORT
CITY OF HOLLY HILL, FLORIDA

Board of Planning and Appeals
Ordinance

MEETING DATE:	**September 7, 2021**
FROM:	**Brian Walker**
SUBJECT:	**AN ORDINANCE ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS IN ACCORDANCE WITH CH. 163, PART II, FLORIDA STATUTES; CREATING THE PROPERTY RIGHTS ELEMENT TO ADD GOALS, OBJECTIVES FOR PROPERTY RIGHTS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 163.3177(6)(I)1; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.**
NUMBER:	**(ID # 3404)**
APPLICANT:	**Brian Walker**
PLANNER:	

INTRODUCTION

A request by the Community Development Department, Planning Division, to approve a Large Scale Comprehensive Plan Text Amendment, creating the Property Rights Element, adding Goals, Objectives and Policies to ensure that private property rights are considered in local decision making in accordance with House Bill 59.

BACKGROUND

Under current Florida law, local governments create and adopt local comprehensive plans to control and direct land use and development within their jurisdictional boundaries. While the Florida Department of Economic Opportunity oversees the local comprehensive plan system at the state level, local governments have a great deal of independence with respect to the regulation of private land uses.

HB 59, which was signed by Governor DeSantis on June 29, 2021, became effective on July 1, 2021. The new law amends various sections of Florida Statutes related to local government regulation of land.

PROJECT DESCRIPTION

Statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended to require each local government to adopt a property rights element into their comprehensive plan. Inclusion of the property rights element is intended to protect private property rights and to ensure they are considered in local decision-making.

House Bill 59 adds Section 163.3177(6) (i), Florida Statutes. Each local government is now required to adopt a property rights element into its comprehensive plan. This new element must be adopted by the earlier of the date of its adoption of its next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.

HB 59 includes a model property rights element that may be used for the required comprehensive plan amendment. City staff propose the following language, which is based on the model version:

PROPOSED AMENDMENT

10. PROPERTY RIGHTS ELEMENT

GOAL 1: To respect judicially acknowledged and constitutionally protected private property rights.

Objective 1.1: The following policies are to ensure that private property rights shall be considered in local decision making.

Policy 1.1.1: The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.1.2: The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 1.1.3: The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1.1.4: The right of a property owner to dispose of his or her property through sale or gift.

RECOMMENDATIONS

Staff recommends approval of the proposed amendment to create a Property Rights Element in compliance with HB 59 / Florida Statutes.

The item is tentatively scheduled to be heard by the City Commission for first reading on September 28, 2021, and the second reading (public hearing) is to be scheduled at the next available City Commission meeting subsequent to DEO and VGMC review.

Ordinance No. (ID # 3404)

AN ORDINANCE ADOPTING LARGE SCALE COMPREHENSIVE PLAN AMENDMENTS IN ACCORDANCE WITH CH. 163, PART II, FLORIDA STATUTES; CREATING THE PROPERTY RIGHTS ELEMENT TO ADD GOALS, OBJECTIVES FOR PROPERTY RIGHTS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 163.3177(6)(I)1; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE ADOPTING A LARGE SCALE COMPREHENSIVE PLAN AMENDMENT IN ACCORDANCE WITH CH. 163, PART II, FLORIDA STATUTES; CREATING THE PROPERTY RIGHTS ELEMENT TO ADD GOALS, OBJECTIVES FOR PROPERTY RIGHTS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 163.3177(6)(i)1; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, requires the City of Holly Hill to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6) (i) 1. Florida Statutes, requires the City of Holly Hill's comprehensive plan to include a property rights element; and

WHEREAS, the City of Holly Hill respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, the City Manager has transmitted the proposed amendments and any supporting data and analyses to the Florida Department of Economic Opportunity and provided a copy of the proposed amendments to the Regional Planning Council, the St. Johns Water Management District, the County of Volusia, the Florida Departments of State, Transportation, and Environmental Protection, and to any requesting agency, within 10 days of the first reading in accordance with the requirements of § 163.3184(3)(b), Florida Statutes; and

WHEREAS, the City has reviewed the comments provided by the above referenced agencies; and

WHEREAS, the Board of Planning and Appeals, in accordance with Section 163.3174(4)(a), Florida Statutes, has held one or more public hearings with public notice, has solicited public participation in the preparation and consideration of the proposed amendments and recommends approval; and

WHEREAS, the City Manager supports the Board of Planning and Appeals

recommendation.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF HOLLY HILL, FLORIDA:

SECTION 1. The City's Comprehensive Plan is hereby amended by creating a Property Rights element with Goals, Objectives and Policies, to read as follows:

10. PROPERTY RIGHTS ELEMENT

GOAL 1: To respect judicially acknowledged and constitutionally protected private property rights.

Objective 1.1: The following policies are to ensure that private property rights shall be considered in local decision making.

Policy 1.1.1: The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.1.2: The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 1.1.3: The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1.1.4: The right of a property owner to dispose of his or her property through sale or gift.

SECTION 2. It is hereby found that the proposed amendments meet the requirements of Ch. 163, Florida Statutes.

SECTION 3. Within 10 working days after the adoption of this ordinance , the City Manager shall submit a transmittal letter to the Department of Economic Opportunity and any other agency that provided timely comments, with information and attachments, in accordance with §163.3184(3)(c)2, Florida Statutes.

SECTION 4. The effective date of this plan amendment shall be in accordance with §163.3184(3) (c) 4, Florida Statutes, and Volusia Growth Management Commission's issuance of a Certificate of Consistency.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local

government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.