

**City of Holly Hill, Florida
Board of Planning and Appeals
Agenda | February 2, 2026**

City Commission Chamber

**Regular Board of Planning and
Appeals 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 AND APPEALS BOARD

Members

Chairman
Mike Myer

Board Member
Dennis Smith

Board Member
John Danio

Board Member
Tony Cassata

Board Member
Kymberlee Nguyen

City Planner
Brian Walker

Building & Zoning
Leslie Montgomery

City Clerk
Valerie Manning

1. **Call to Order**
2. **Roll Call**
3. **Invocation**
4. **Pledge of Allegiance**
5. **Minutes**
 1. Minutes - January 5, 2026 - Board of Planning and Appeals meeting
(Requested by Leslie Montgomery, Board of Planning and Appeals)
6. **Agenda Item(s)**
 1. 116 8th Street Variance
(Requested by Brian Walker, City Planner)
7. **Ordinances**
 1. Pool Enclosure Setback Ordinance
(Requested by Brian Walker, City Planner)
8. **Old Business**
9. **Board/Staff Communications**
10. **Adjournment**



Board of Planning and Appeals
Minutes • January 5, 2026

City Commission Chamber	Regular Board of Planning and Appeals Meeting	6:00 PM
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City Hall
1065 Ridgewood Avenue
Holly Hill, FL 32117

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

1. **Call to Order**

The meeting was called to order at approximately 6:00 PM.

2. **Roll Call**

Present:

Board Member Tony Cassata

Board Member John Danio

Board Member Kymberlee Nguyen

Board Member Dennis Smith

Board Member Michael Myer

Absent: N/A

3. **Invocation**

Mr. Myer led the invocation.

4. **Pledge of Allegiance**

Mr. Cassata led the Pledge of Allegiance to the Flag.

The appointment of Chairman and Vice-Chairman for 2026 was taken here:

*Mr. Cassata made a motion to appoint **Mr. Myer as the Chairman**, seconded by Mr. Danio.*

PASSED, 5-0.

Mr. Cassata made a motion to appoint **Mr. Smith as Vice-Chairman**, seconded by Mr. Danio.

PASSED, 5-0.

5. **Minutes**

1. Minutes - December 1, 2025 Board of Planning and Appeals meeting

(Requested by Leslie Montgomery, Board of Planning and Appeals)

Motion to Approve.	
Result:	Passed [UNANIMOUS]
Mover:	Board Member John Danio
Second:	Board Member Dennis Smith
Ayes:	Tony Cassata, John Danio, Kymberlee Nguyen, Dennis Smith, Michael Myer
Nays:	None

6. Agenda Item(s)

1. Marina Grande MPUD 9th Amendment

Brian Walker, City Planner/Asst. City Manager went through his staff report that was included in the agenda packet. Mr. Walker mentioned that this is a Marina Grande Residential Based Mixed Use Planned Unit Development (MPUD) Major Amendment and to consider a major amendment to the Marina Grande Residential Based Mixed Use Planned Unit Development (MPUD), as amended, to add additional permitted uses to the retail spaces. Mr. Walker stated on May 24, 2022, the City Commission approved the 8th Amendment to the Marina Grande Residential-Based Mixed-Use Planned Unit Development (MPUD) Development Agreement, which approved an upscale restaurant or bistro at the south end of the retail strip and a café use on the north, as well as interior personal storage units the Marina Grande sales / administration office. Prior to the 8th Amendment, the retail spaces could only be used for retail uses and not storage or restaurants. Since the approval of the 8th Amendment, a café has been added to the north unit and the storage spaces have been created. However, the south end unit has remained vacant despite the efforts of the owner to lease the space to a tenant who will establish an upscale restaurant or bistro. Although the intention for the storage spaces has been to convert them to retail uses as the need and opportunity arose, such opportunities to convert the storage uses to active retail spaces have not opened up. At this time, although such storage has been offered to the residents of Marina Grande for almost 4 years, less than 45% of the spaces have been utilized. Therefore, there is currently a large amount of underutilized space. In order to increase opportunities for the south end unit to be occupied, and the conversion of the storage spaces to more active community uses, the property owner is requesting that the following uses be permitted in these spaces:

1. Owner and City mutually agree to the following changes to the retail spaces of the Marina Grande Residential-Based Mixed-Use MPUD, as

amended: Retail Spaces, Including The Space Designated In The Eighth Amendment As Being Reserved For An Upscale Bistro, May With The Approval Of This Ninth Amendment, Also Be Used For Professional Offices such as An Attorney's Office, CPA And Accounting Offices, Dentist Offices, Chiropractic Medical Office And Med-Spa, Medical Doctor's Offices, And The Following Related Activities: Consultation And Assessment, Physiotherapy, Adjustments, Soft Tissue Treatments, Decompressions, Hot And Cold Therapy, Infrared Therapy, Cryotherapy, Stretch Labs, Facials, Foot Detox, Body Detox, IV Therapy, Lab Work, Massage Therapy, Selling Of Supplements And Products, Nutritional Counseling, Botox, Fitness Classes, Physical Exams & EKG, Ultrasound Therapy, Electric Muscle Stimulation Therapy, Weight Loss, Trigger Point Therapy, Hyperbaric Oxygen Therapy, Hydrotherapy.

Additional permitted uses are the following: Pet Grooming, Oxygen Bar, Gym/Fitness, Ice-cream/Frozen Yogurt Shop, Deli/ Sandwich Shop, Pizzeria, Restaurant, Wine Bar, Shipping Store/ UPS Store, Hair/ Barber/Nail Salon, Cigar Lounge, Jet-Ski Rentals (indoor storage and display only), Dry-Cleaning Drop-off and Pick up services, Hair/Barber/Nail Services.

Until such time that demand for these uses increases, the owner would like the prohibition against advertising storage with signage lifted so that he may put up a sign advertising storage. The intent remains to phase out the storage units as demand for more desirable retail and professional uses increases. However, until such time, the owner is attempting to make better use of the large amount of empty storage spaces by advertising to the general public with signage. The signage must comply with the City's signage regulations and storage spaces may be rented to residents of Marina Grande and the public on a "first come first served basis." In considering whether or not to approve the applicant's request, the Commission must consider whether or not the request is consistent with the policies of the City's comprehensive plan. The comprehensive plan's Future Land Use Element, under Policy 1.1.2, addresses what can be permitted under the property's Residential-based mixed-use land use. That information is located in the agenda packet. This policy does not specifically mention the additional uses requested. Therefore, the Board of Planning and Appeals and City Commission are left to their judgment as to whether or not the additional proposed uses are consistent with the Residential-based mixed-use land use. However, it is staff's judgement that the proposed uses are consistent with the *"complementary commercial and other non-residential land uses" portion of the stated land use.* Staff recommends that the City Commission adopt the Ordinance amending the Marina Grande Residential Based Mixed Use Planned Unit Development (MPUD), to add additional uses as proposed in the 9th Amendment, for the retail spaces only, located at 235 Riverside Drive.

Frank Lippolis, owner of the Marina Grande Shoppes spoke to the board and staff. Mr. Lippolis explained his intentions for the building units and elaborated on sign approval for the City Commission. There was some discussion amongst the board members at this time.

Mr. Myer opened public participation.

Rick Dergen, Holly Hill resident of Marina Grande spoke in favor of this request.

Jim Cameron of Jim Cameron Consulting, Holly Hill spoke in favor of this request.

Mr. Myer closed public participation.

At this time, there was discussion amongst the board members and staff regarding the proposed sign that was excluded in the 8th Amendment. There was no one from the audience that spoke against this request. *(A copy of this meeting in its entirety is available upon request in the City Clerk's Office or available online on the city's YouTube channel).*

There was a recommendation for the 9th Amendment to the MPUD and signage. Mr. Cassata made a motion to recommend moving this item forward to the City Commission for consideration, seconded by Ms. Nguyen. PASSED, 5-0.

*****After some discussion amongst the board members and the applicant, the modification/changes have been included in this set of minutes as well and will be forwarded to the City Commission, should the board recommend approval to moving this agenda item to them.*****

(A copy of this meeting in its entirety is available on CD upon request in the City Clerk's Office or available online on the city's YouTube channel).

7. Ordinances

N/A

8. Old Business

None

9. Board/Staff Communications

None

10. Adjournment

The meeting adjourned at approximately 6:40 PM.



INTRODUCTION

VARIANCE REQUEST: (116 8th St) - Request a rear yard setback variance from the requirements of Section 114-765 of the Land Development Regulations titled, "Schedule of Dimensional Requirements." A variance from the required rear yard setback of 30 feet to 3 feet for a parcel in the R-1 (Single-Family) zoning district.

DISCUSSION: The lot at 116 8th St is requesting a variance to allow solar panels to be installed in the required rear setback of the house.

REQUESTED VARIANCE: The request is for a variance from Section 114-765 of the Land Development Regulations of Holly Hill. (1) a rear yard setback variance from 30 feet to 3 feet in order to build a ground mounted solar panel farm.

In order to grant the variance requested 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 solar panel rack is of a tubular construction and does not rise to a height of over 5 feet. The existing home casts a shadow in the only permissible location. The special condition therefore centers on the limited availability of sunlight.

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:

Existing home casts a shadow in the only permissible location. Therefore, the applicant has very few options on where to place the rack.

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:

This statement means that if a zoning variance is granted to an applicant, it should not give them an unfair advantage or special permission that other properties in the same zoning district do not have access to; essentially, the variance should only address unique hardships specific to the applicant's property, not create a new privilege compared to other similar properties nearby.

Granting the variance will only address a unique hardship specific to the applicant's property, and will not create a new privilege compared to other similar properties nearby. The hardship centers on where the solar panels are able to receive consistent sunlight and are being placed based on such availability. Any property seeking to place a rack of solar panels on their property would be subject to the same limitations and would have the same ability to apply for a variance based on those limitations.

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:

The applicant is requesting an alleviation to the setback requirements of their zoning district, which, if interpreted literally, would render their property ineffective in solar utilization. Placing panels on the roof is inadvisable, as per professional, competent recommendation.

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 shadow cast from the house does not allow for efficient use of the solar rack. The standard setback of 30 feet places the entirety of this solar farm in that shadow. The applicant is requesting a setback of 3 feet from the rear property line, which places the bottom of the rack at ~ 18 feet off the property line.



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. The City's comprehensive plan, specifically Objective 1.8, encourages resource efficient green building, and sustainable development practices to enhance energy efficiency of housing in Holly Hill.

Policy 1.8.4 - Encourage building orientation that maximizes energy efficiency and fosters the use of alternative energy sources where appropriate, such as solar or wind energy systems, to reduce the demand for electricity and reduce greenhouse gas emissions.

Criteria met? Yes

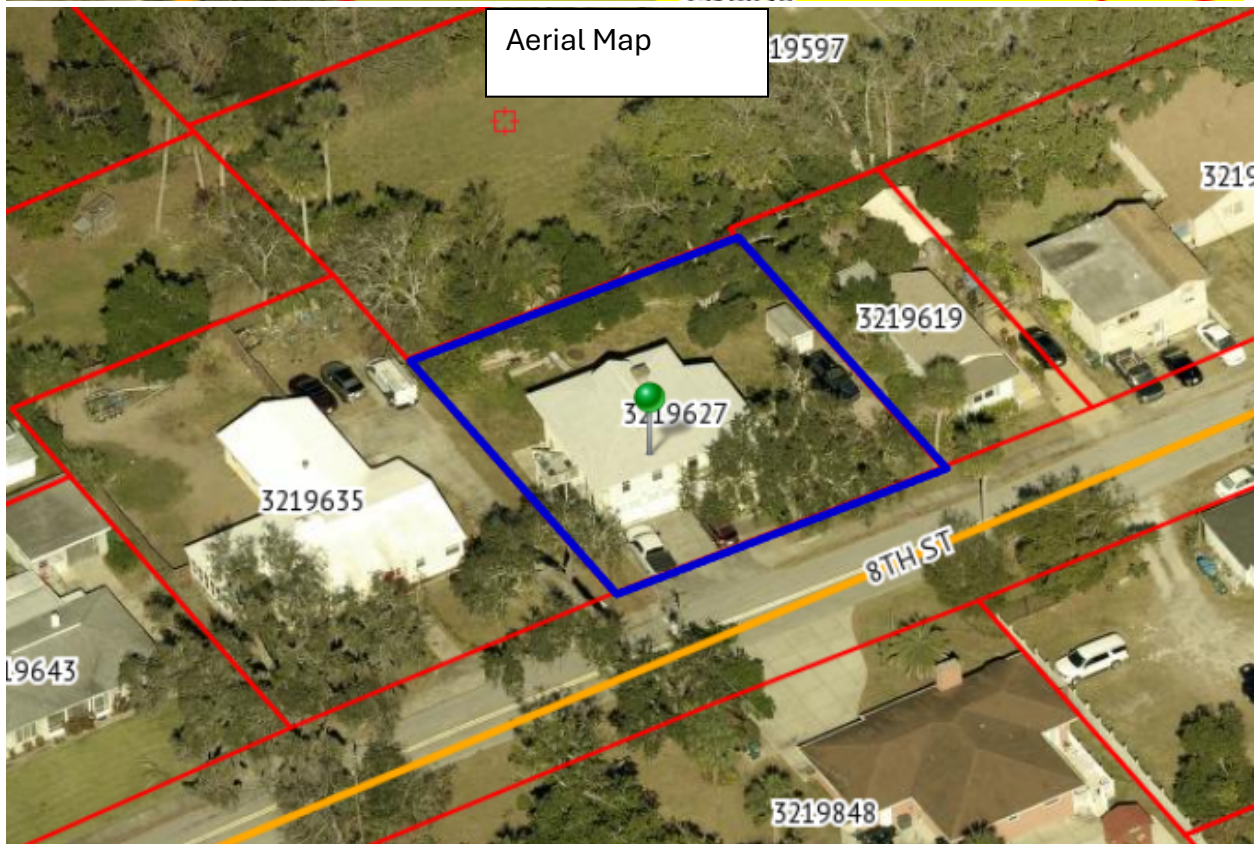
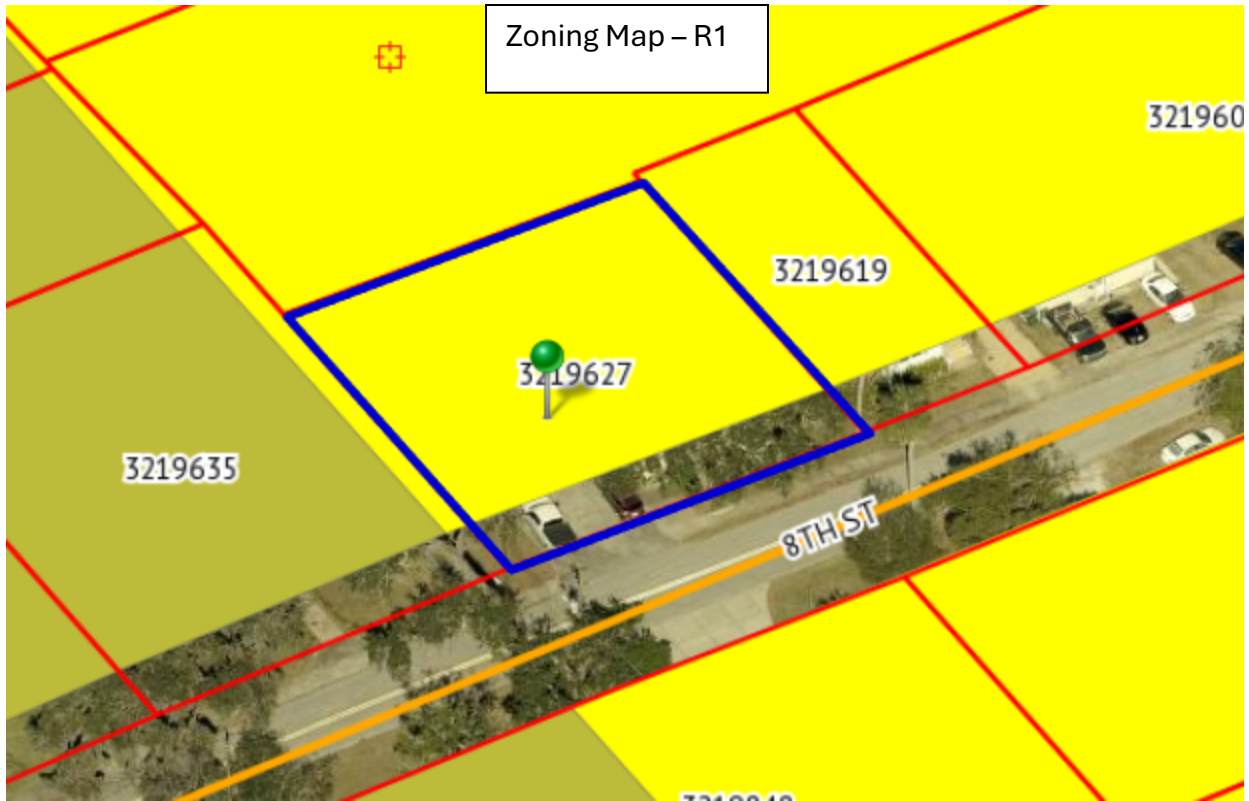
FINDINGS OF FACT: Staff finds that the applicant has met all of the criteria as stated above to grant the requested variance.

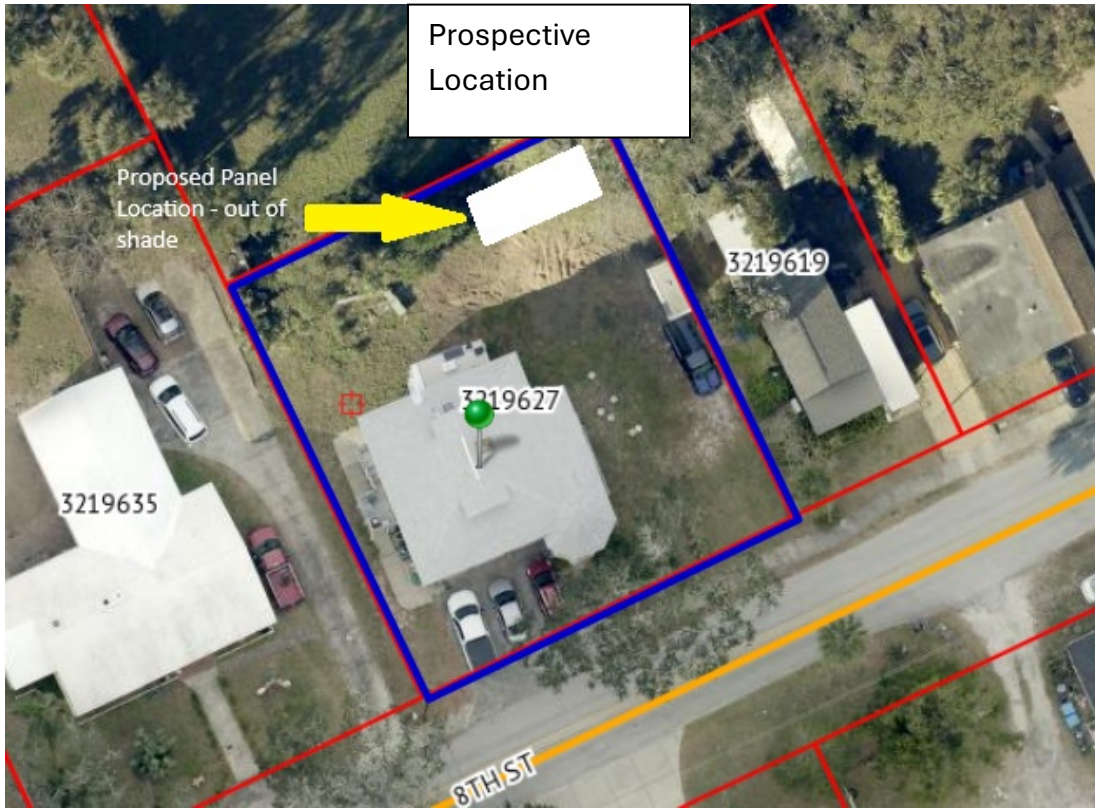
STAFF RECOMMENDATION:

Staff recommends approval of the request at 116 8th Street for a rear yard setback variance from the requirements of Section 114-765 of the Land Development Regulations titled, "Schedule of Dimensional Requirements" from 30 feet to 3 feet in order to locate a solar panel rack.

There is a fence across the front of the yard. Therefore, the solar panels are not visible from the road.







PROJECT DESCRIPTION:

24 x 435 HYUNDAI SOLAR HIN-7435NF(BK) (435W) MODULES
 GROUND MOUNTED SOLAR PHOTOVOLTAIC MODULES
 DC SYSTEM SIZE: 10,440 kW DC STC
 AC SYSTEM SIZE: 6,960 kW AC

EQUIPMENT SUMMARY

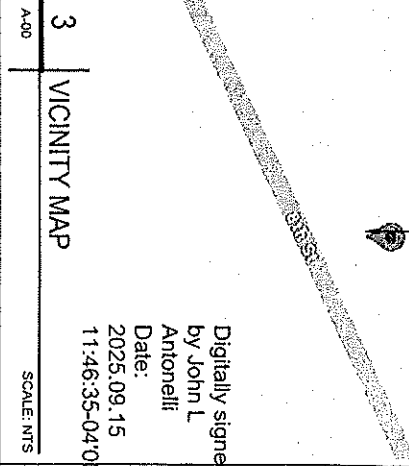
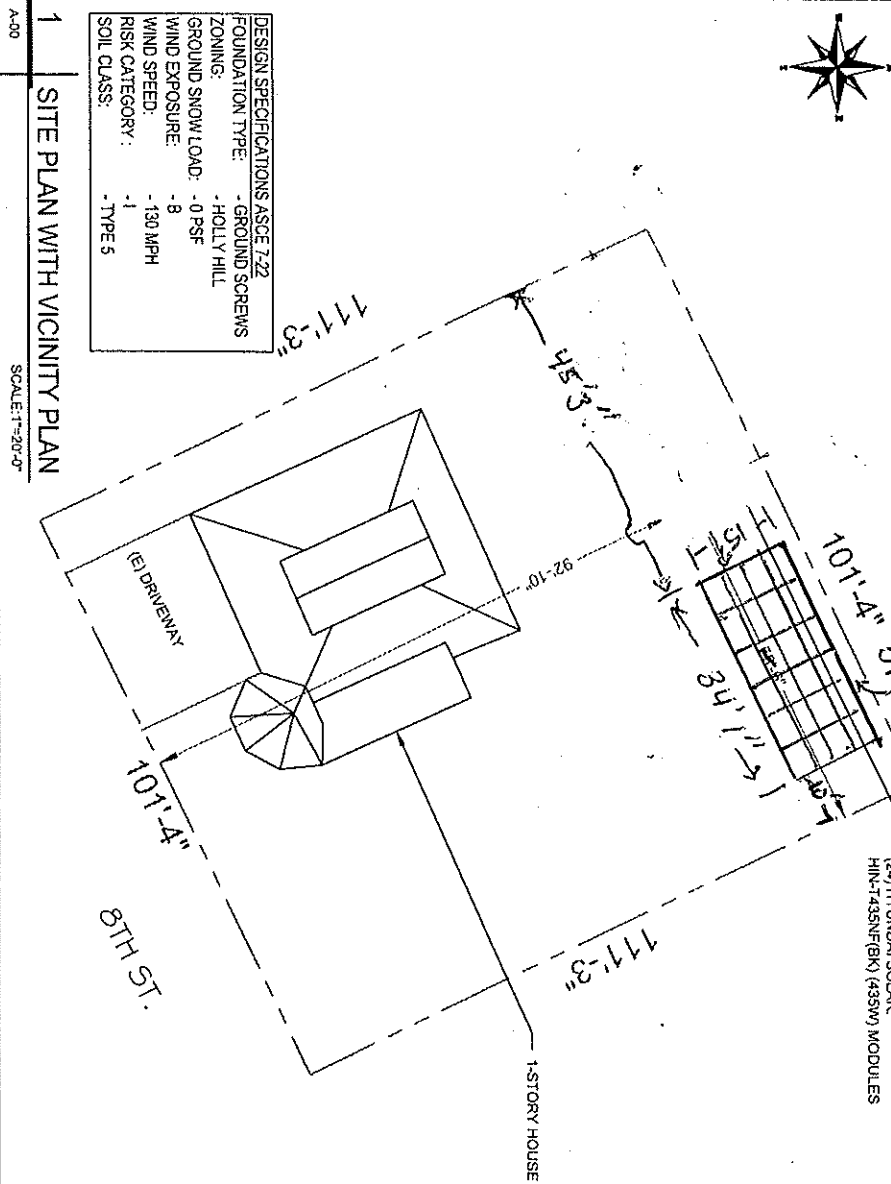
24 HYUNDAI SOLAR HIN-7435NF(BK) (435W) MODULES
 24 EMPHASE 108P(LUS-72-2-US (240V) MICROINVERTERS
 01 FRANKLIN AGATE X ENERGY MANAGEMENT DEVICE
 01 FRANKLIN APOWER 2 BATTERY, 15 KWH

GOVERNING CODES:
 FLORIDA RESIDENTIAL CODE, 8TH EDITION 2023 (FRC)
 FLORIDA PLUMBING CODE, 8TH EDITION 2023 (FPC)
 FLORIDA BUILDING CODE, 8TH EDITION 2023 (FBC)
 FLORIDA MECHANICAL CODE, 8TH EDITION 2023 (FMC)
 FLORIDA NATIONAL ELECTRICAL CODE (NEC)
 FLORIDA FIRE PREVENTION CODE, 8TH EDITION (FFPC)



SHEET INDEX	SITE PLAN & VICINITY MAP
A-00	GROUND PLAN & MODULES ATTACHMENT DETAILS
S-01	ELECTRICAL SITE PLAN & BOM
S-02	ELECTRICAL LINE DIAGRAM
E-01	WIRING CALCULATIONS
E-02	SYSTEM LABELING
E-03	MODULE DATA SHEET
E-04	MICRO-INVERTER DATA SHEET
DS-01	COMBINER BOX DATA SHEET
DS-02	COMBINER BOX DATA SHEET
DS-03	BATTERY DATA SHEET
DS-04	BATTERY DATA SHEET
DS-05	BATTERY DATA SHEET
DS-06	RAIL DATA SHEET
DS-07	GROUND MOUNT DATA SHEET
DS-08	GROUND MOUNT DATA SHEET

DISCLAIMER:
 THE SET OF PLANS FOR THIS PROJECT IS INTENDED FOR DESIGNING THE PROJECT IN COMPLIANCE WITH APPLICABLE BUILDING CODES. THIS DOES NOT EXPRESS OR IMPLY ANY PERFORMANCE GUARANTEE OF ANY KIND. THE CONTRACTOR IS RESPONSIBLE FOR REVIEWING AND APPROVING THE LAYOUT WITH THE END USER PRIOR TO INSTALLATION. ALL DIMENSIONS AND CONDITIONS SHOWN IN THE PLANS ARE BASED ON THE BEST AVAILABLE INFORMATION. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL SITE CONDITIONS IN THE FIELD PRIOR TO INSTALLATION AND ACCEPTS FULL RESPONSIBILITY.



SOLAR-FIT

1523 RIDGEWOOD AVE,
 HOLLY HILL, FL 32117

DRAGON

116 8TH ST.,
 HOLLY HILL 32117

SHEET NAME
 SITE PLAN &
 VICINITY MAP

SHEET SIZE
 ANSIB
 11" X 17"

SHEET NUMBER
 A-00

Signature with Seal

REVISIONS

DESCRIPTION	DATE	REV

DATE: 02/02/2025
 PROJECT NAME

Digitally signed
 by John L
 Antonelli
 Date: 2025.09.15
 11:46:35-04'00



HOLLY HILL

F L O R I D A

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 #: <i>424401110062</i>	
ADDRESS: <i>116 8TH Street, Holly Hill, FL 32117</i>	
TOTAL ACREAGE: RESIDENTIAL	USE OF PROPERTY: <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> NON-RESIDENTIAL
ZONING:	FUTURE LAND USE:
TYPE OF STRUCTURE: <input type="checkbox"/> SHED <input type="checkbox"/> FENCE <input type="checkbox"/> POOL <input type="checkbox"/> SCREEN ENCLOSURE <input type="checkbox"/> ADDITION <input type="checkbox"/> SINGLE FAMILY HOME <input checked="" type="checkbox"/> <i>Solar Panel Rack</i>	
DESCRIPTION OF STRUCTURE: <i>Aluminum solar panel rack approximate 15' x 38'</i>	
TYPE OF VARIANCE:	<input type="checkbox"/> FRONT YARD SETBACK REQUIRED: _____ FT. PROPOSED: _____ FT.
	<input type="checkbox"/> SIDE YARD SETBACK REQUIRED: _____ FT. PROPOSED: _____ FT.
	<input type="checkbox"/> SIDE STREET SETBACK REQUIRED: _____ FT. PROPOSED: _____ FT.
	<input checked="" type="checkbox"/> REAR YARD SETBACK REQUIRED: <u>30</u> FT. PROPOSED: _____ FT.
	<input type="checkbox"/> MINIMUM LOT SIZE REQUIRED: _____ SQ. FT. ACTUAL: _____ SQ. FT.
	<input type="checkbox"/> WIDTH AT BUILDING REQUIRED: _____ FT. ACTUAL: _____ FT.
	<input type="checkbox"/> HEIGHT REQUIRED: _____ FT. PROPOSED: _____ FT.
IS THIS REQUEST FOR A STRUCTURE THAT HAS ALREADY BEEN BUILT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IS THE PROPERTY AVAILABLE FOR INSPECTION WITHOUT APPOINTMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

OWNER

NAME: <i>Christian & Holly Thorne Dragon</i>	COMPANY:
ADDRESS: <i>116 8th Street</i>	
CITY: <i>Holly Hill</i>	STATE: <i>FL</i> ZIP: <i>32117</i>
PHONE: <i>386-871-4312</i>	EMAIL: <i>windows by holly@hotmail.com</i>



HOLLY HILL
FLORIDA

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

AGENT/CONSULTANT

NAME:	COMPANY:	
ADDRESS:		
CITY:	STATE:	ZIP:
PHONE:	EMAIL:	

APPLICATION TYPE/FEE

<input checked="" type="checkbox"/> VARIANCE – RESIDENTIAL	\$350.00 PER VARIANCE
<input type="checkbox"/> 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 *(we can provide)*)
- LETTERS OF SUPPORT FROM ADJACENT PROPERTY OWNERS, IF ANY
- HOME OWNERS ASSOCIATION DRB APPROVALS, IF ANY *NA*
- PHOTOGRAPHS, IF DESIRED *(We can provide)*



HOLLY HILL

F L O R I D A

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.

11/3/25

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.

The solar panel rack is of tubular construction and does not rise to a height over 5'. Existing home casts a shadow in the only permissible building location.

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

The normal backyard setback is 10'. We were advised that we needed to be 30' back from the rear property line. Because of the area that the rack covers, is 300ft, this is not a structure like a free standing building and it does not affect water drainage. It is a simple low profile rack to attach solar panels.



HOLLY HILL FLORIDA

1065 Ridgewood Avenue, Holly Hill, FL 32117

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- 3. Explain how the granting of the variance request would not confer on the applicant, or petitioner, any special privilege that is denied by Code to other lands, buildings, or structures in the same zoning district.

The solar panel rack is not a building. It is merely a racking system to hold solar panels.

- 4. Describe how the literal interpretation of the provisions of the zoning regulations would deprive the applicant, or petitioner, of rights commonly enjoyed by other properties in the same zoning district and would work an unnecessary and undue hardship on the applicant.

Requiring a 30' setback from the rear property line will deprive our family from the utility saving derived from the solar power system.

- 5. Describe how the requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

*The standard setback of 10' will allow us to enjoy the energy savings that we need.
Requiring a 30' setback for a solar rack will not allow us to use the solar rack as it puts the solar system too close to the house.*



HOLLY HILL FLORIDA

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6. Describe how the granting 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.

Receiving this variance will allow us to ~~save our~~
~~family money by utilizing renewable energy.~~
And this aligns with the city of Holly Hill's
goals for sustainability.

* effectively utilize our property for solar use.

Christian Z. Dragon
Holly Thorne Dragon
116 8th Street
Holly Hill, FL, 32117

October 31, 2025

Brian Walker
Leslie Montgomery
Pickie Lee
City of Holly Hill

Dear Mr. Walker, Ms. Montgomery & Mr. Lee,

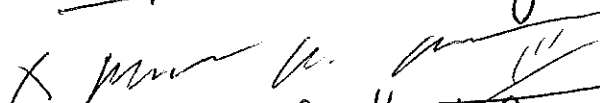
We, the adjacent properties to 116 8th St.
authorize our approval for the use and
installation of solar panels at
116 8th St.

Sincerely,

Michael & Pearl DeLong 114 8th St. 32117

~~* Pearl J. De Long~~ 10/31/25

~~* Michael De Long~~ 10/31/25

~~X ~~ 10/31/25
Manson Cockayne

~~Nicole Matthews~~ 11/01/25 128 8th St
Nicole Matthews Daytona Beach FL
32117

INTRODUCTION:

The proposed Ordinance amends Section 114-742 (D)1 and 114-761(2) of the Land Development Regulations titled, “Principal buildings and accessory structures” and “Exceptions to minimum yard or lot coverage requirements” respectively, for the purpose of reducing the rear yard setback for pool screen enclosures.

DISCUSSION:

Under current rules, pool screen enclosures that are over 300 square feet, are treated as accessory structures, which can impose larger setbacks that limit where homeowners can reasonably place them relative to their pool. As an example; a single-family home in the R-1 zoning district has a rear yard setback of 30 feet for principal and accessory structures that are over 300 square feet, therefore, a pool screen enclosure that is over 300 square feet, must be 30 feet from the rear property line. However, the code allows for a pool to be placed 5 feet from the same rear property line. If a homeowner were to have a pool installed at the 5-foot set back, they may not be permitted to screen in their pool under current City requirements.

By allowing pool screen enclosures to follow a pool’s 5-foot rear setback, the city can provide greater flexibility for homeowners while still maintaining safety and neighborhood character. This change can also help streamline permitting, reduce variance requests, and support consistent application of zoning standards.

To accomplish this goal, staff recommends the code be amended as follows:

Add to Section 114-742(D)(1) the following underlined additional language:

- D. Pools, whether public or private, shall comply with Chapter 3, Articles I and II, the Florida Building Code, all applicable regulations of the Florida Department of Health and Rehabilitative Services and other State agencies, and to the following:

1. *Setbacks:*

- d. Pool Enclosures. Pool enclosure structures may be placed up to five feet from the rear property line provided they meet the following criteria:

- The enclosure is no more than 12 feet in height.
- The rear, sides, and roof of the enclosure are screened, and other than the framing, do not contain any solid surfaces that impede sunlight to surrounding properties.
- The enclosure does not extend more than 7 feet beyond the water’s edge, except for that portion of the enclosure that is connected to, and an integral part of, the principal structure. However, in no case may the enclosure be closer than 5 feet from the rear property line.

Pool enclosures not meeting the above criteria are considered an accessory structure that must meet the district setbacks required for a principal structure.

The language of Section 114-761(2) is stricken as follows:

Every part of every yard shall be open and unobstructed from the ground up by any structure, except as follows:

- ~~(2) *Screened swimming pool enclosures.* Any swimming pool enclosure which consists of screening on three or more sides shall be considered as an accessory building for the purposes of this subpart, except that such screened swimming pool enclosure may be attached to an integral part of the principal building itself.~~

STAFF RECOMMENDATION:

Staff recommends that the City Commission adopt an Ordinance of the City of Holly Hill, Florida, amending sections 114-742 and 114-761 of the city code to amend the setback requirement for pool screen enclosures meeting specific criteria, and removing unnecessary language.

Ordinance No. 2026-XXXX

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING SECTIONS 114-742 AND 114-761 OF THE CITY CODE TO AMEND THE SETBACK REQUIREMENT FOR POOL SCREEN ENCLOSURES MEETING SPECIFIC CRITERIA, AND REMOVING UNNECESSARY LANGUAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that current pool enclosure setbacks are not compatible with the setbacks required of swimming pools; and

WHEREAS, pool enclosure setbacks impose a potential hardship on residents; and

WHEREAS, the City Commission recognizes the need for uniformity in zoning/setback standards for pools, their enclosures, and the dimensional requirements of said structures;

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

SECTION 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

SECTION 2. That the language of Section 114-742(D) is amended to add the underlined and highlighted language below as follows:

D. Pools, whether public or private, shall comply with Chapter 3, Articles I and II, the Florida Building Code, all applicable regulations of the Florida Department of Health and Rehabilitative Services and other State agencies, and to the following:

1. *Setbacks:*

d. Pool Enclosures. Pool enclosure structures may be placed up to five feet from the rear property line provided they meet the following criteria:

- **The enclosure is no more than 12 feet in height.**
- **The rear, sides, and roof of the enclosure are screened, and other than the framing, do not contain any solid surfaces that impede sunlight to surrounding properties.**
- **The enclosure does not extend more than 7 feet beyond the waters edge, except for that portion of the enclosure that is connected to, and an integral part of, the principal structure. However, in no case may the enclosure be closer than 5 feet from the rear property line.**

Pool enclosures not meeting the above criteria are considered an accessory structure that must meet the district setbacks required for a principal structure.

SECTION 3. That the language of Section 114-761(2) is stricken as follows:

Every part of every yard shall be open and unobstructed from the ground up by any structure, except as follows:

~~(2) *Screened swimming pool enclosures.* Any swimming pool enclosure which consists of screening on three or more sides shall be considered as an accessory building for the purposes of this subpart, except that such screened swimming pool enclosure may be attached to an integral part of the principal building itself.~~

SECTION 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 5. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of the land development regulations.

SECTION 6. EFFECTIVE DATE. That this Ordinance shall become effective immediately upon its adoption.

Sec. 114-742. Principal buildings and accessory structures.

In any residential district, a dwelling shall be deemed to be the principal building on the lot on which it is situated. The construction of accessory structures shall not grant any use in property that is not otherwise permitted.

- (1) Only one principal building shall be located on any single-family or duplex lot.
- (2) On any single-family or duplex lot, accessory structures shall comply with the following requirements:
 - a. Accessory structures 300 square feet or less in floor area may be located in the rear and shall be set back at least five feet from the rear lot line yard provided a minimum five-foot separation is maintained from other building.
 - b. The maximum height of accessory structures 300 square feet or less shall not exceed 12 feet.
 - c. Accessory structures greater than 300 square feet in floor area shall be located within the building area.
 - d. Accessory structures greater than 300 square feet in floor area shall be similar in design, materials and colors to the principal structure occupying the site.
 - e. The maximum height of a detached accessory over 300 square feet of area shall not exceed the maximum height in that zoning district.
 - f. A minimum five-foot separation between accessory structures and the principal building on the site shall be maintained.
 - g. Accessory structures shall not cause the building coverage on the lot to exceed the maximum building coverage established for the zoning district.
 - h. Any specific accessory use or structures which are not addressed within this chapter shall not be located on any lot.
- A. *General.* Accessory structures and uses are permitted in conjunction with any principal use, provided that they are recognized as clearly incidental and subordinate to the principal use and do not alter the characteristics of the lot(s). The following regulations shall apply to all accessory uses:
 1. No accessory structure or use shall be permitted on any lot(s) which does not have an existing or permitted principal use or structure.
 2. Unless otherwise specified within this section:
 - a. Accessory structures and uses in all zoning districts shall be prohibited in the required front yard or side setback and are to be located behind the principal structure on the lot.
 3. All accessory uses are required to be located on the same lot as the principal structure or on a contiguous lot under the same ownership.
 4. Except as otherwise specifically permitted within this article, accessory structures shall be similar in design, materials and colors to the principal structure occupying the site.
 5. For double frontage lots and corner lots, accessory structures or uses shall not be located within the required yard setback unless screened by a hedge or wall at least six feet in height.
 6. No accessory structure or use shall be permitted in any platted easement, unless otherwise specifically permitted by the easement dedication. Fences may be located within certain easements with the condition that if the fence is required to be removed, the property owner is solely responsible for replacement of the fence.
 7. All accessory structures require the issuance of building permits by the city building department.

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8. Does not involve the conduct of business on the premises of residentially zoned property.
 9. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood if located in a residentially zoned area.
 10. No accessory structure shall be used in any manner for a home occupation, except for the storage of customary homeowner tools and equipment, unless otherwise permitted by this code.
- B. *Accessory apartments/garage apartments.* One accessory apartment or garage apartment is permitted for properties within residential zoning districts. Accessory apartments are to be located on the ground floor. Garage apartments are in association with a garage, with the apartment located above the garage. Accessory apartments/garage apartments are required to comply with the following regulations:
1. All utilities must be metered through the same meter serving the single-family dwelling unit.
 2. The setbacks of the accessory apartment structure shall be the same as the principal building setbacks of the respective zoning district.
 3. The building materials and color of the accessory apartment structure shall be similar to the principal residential structure.
 4. Secondary kitchens are permitted.
 5. The maximum total square footage permitted for the accessory apartment is 800 square feet or no greater than 50 percent of the total square footage of the principal structure, whichever is less.
 6. All accessory apartments shall be annually registered with the city's building and zoning department.
 7. The accessory apartment may only be occupied by members of the family of the owner of the single-family dwelling unit.
- C. Detached garages are permitted in residential zoning districts under the following conditions:
1. The detached garage may not exceed 50 percent of the total square footage of the principal structure and shall be required to comply with the following conditions:
 - a. The detached garage shall not cause the building coverage on the lot to exceed the maximum building coverage established for the zoning district;
 - b. In the event that this code does not establish a maximum building coverage for a zoning district, the maximum building coverage shall be based on the most similar zoning district, as determined by the administrative official;
 - c. No detached garage shall be used in any manner for a home occupation, except for the storage of customary homeowner vehicles, tools and equipment, unless otherwise permitted by this code.
 2. The building setbacks of the detached garage shall conform to the principal building setbacks of the zoning district.
 3. Detached garage structures shall be similar in design, materials and colors to the principal structure occupying the site.
 4. Detached garages that provide an accessory apartment shall be required to meet all the requirements for accessory apartments.
- D. Pools, whether public or private, shall comply with Chapter 3, Articles I and II, the Florida Building Code, all applicable regulations of the Florida Department of Health and Rehabilitative Services and other State agencies, and to the following:

1. **Setbacks:**

- a. **Front yard.** Swimming pools or appurtenances thereto shall be prohibited in any required principal front yard building setback.
- b. **Corner side yard.** Swimming pools or appurtenances thereto shall be prohibited in any required side yard building setback.
- c. **Rear yard.** The edge of deck for swimming pools shall not be closer than five feet from the rear and side property line.

Sec. 114-761. Exceptions to minimum yard or lot coverage requirements.

Every part of every yard shall be open and unobstructed from the ground up by any structure, except as follows:

- (1) *Breezeways and porte cocheres.* Breezeways and porte cocheres are permitted in front and rear yards. No breezeway or porte cochere shall be permitted to extend or project to within 15 feet of any street right-of-way line. A clear space of not less than nine feet shall be provided below all such structures. Breezeways may be designed so that they provide for a covered entrance into any building; provided, however, that such breezeways shall not be designed so as to be considered as, or function as, an outdoor covered patio area. In addition, no porte cochere shall be designed so as to be considered as, or function as, a carport.
- (2) *Screened swimming pool enclosures.* Any swimming pool enclosure which consists of screening on three or more sides shall be considered as an accessory building for the purposes of this subpart, except that such screened swimming pool enclosure may be attached to an integral part of the principal building itself.
- (3) *Outdoor covered patio areas.* Outdoor covered patio areas that are attached to the principal building may be located within the rear yards provided such covered patio areas are not enclosed or are enclosed only with screen. Such covered patio areas shall be located not less than 15 feet from a rear property line. Any patio area which is enclosed with any material other than screen, and is attached to the principal building, shall be subject to all the requirements of this subpart for principal buildings.
- (4) *Building overhangs.*
 - a. Sills or belt courses may project up to 12 inches into a required yard.
 - b. Movable awnings may project up to three feet into a required yard except that, where such yard is less than six feet in width, such projection shall not exceed one-half the width of the yard.
 - c. Building overhangs, chimneys, fireplaces or pilasters may project up to two feet into a required yard.
 - d. Fire escapes, stairways and balconies which are not covered or not enclosed may project up to five feet into a required front or rear yard, or up to three feet eight inches into a required side yard.
 - e. Hoods, canopies or marquees may project up to three feet into a required yard, but shall not be closer than one foot to any lot line.

(Ord. No. 2352, § 2(5.6.6), 7-13-93; Ord. No. 2361, § 1(IV), 11-9-93)