



AGENDA
CITY OF HOLLY HILL, FLORIDA
BOARD OF PLANNING AND APPEALS MEETING
Monday, July 1, 2013
6:30 PM

CITY COMMISSION CHAMBERS
1065 Ridgewood Avenue, Holly Hill, Florida 32117-2898
City Clerk's Office: (386) 248-9441 Fax: (386) 248-9448

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance to the Flag

2. MINUTES

Board of Planning and Appeals meeting ~ June 10, 2013 (*City Clerk*)

3. NEW BUSINESS

- A. V-2013-03 - The Market Sign Variance
- B. Discussion - Setbacks for Accessory Uses

4. OLD BUSINESS

Z-2013-08 - Revisions to buffer requirements in Redevelopment District Overlay

5. COMMUNICATIONS

6. ADJOURNMENT

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

NOTICE – If any person decides to appeal any decision made by said body with respect to any matter considered at such 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.

MINUTES
BOARD OF PLANNING AND APPEALS MEETING
CITY OF HOLLY HILL, FLORIDA

June 10, 2013

1. CALL TO ORDER

Roll Call

Michael Myer called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Michael Myer were Board members Nick Mostert, Art Cappuccio and David Heald.

Absent: Board member J.D. Mellette.

Also attending were the following staff members: City Attorney Scott Simpson, and City Planner Thomas Harowski, and Human Resources Manager Sandy Fenwick (also serving as the recording secretary).

A. Invocation

Mr. Myer delivered the Invocation.

B. Pledge of Allegiance to the Flag

Mr. Mostert led the Pledge of Allegiance.

2. MINUTES

Minutes from the Board of Planning and Appeals Meeting – May 6, 2013 (*City Clerk*)

Mr. Heald moved APPROVAL for the Minutes, seconded by Mr. Cappuccio.

The motion **CARRIED** 4-0 by roll call vote: Heald – Yes, Cappuccio – Yes, Mostert – Yes, and Myer – Yes

3. NEW BUSINESS

A. Z-2013-06 - Repeal Internet Café Regulations

City Planner Thomas Harowski gave a brief staff report as it pertains to the repealing of the Internet Café Regulations.

Mr. Myer opened public participation. No one spoke.

Mr. Heald moved APPROVAL for Z-2013-06 - Repeal Internet Café Regulations, seconded by Mr. Mostert.

The motion **CARRIED** 4-0 by roll call vote: Heald – Yes, Mostert – Yes, Cappuccio – Yes, and Myer – Yes

B. Z-2013-07 - Amendments to regulations on the display of flags

City Planner Thomas Harowski gave a brief staff report to amendments regulations on the display of flags. There was discussion amongst the board members, City Attorney, and staff explaining the display of flags, method of calculating the amount of permitted non-commercial signage; how many flags are allowed on a parcel of property; staff recommends the Board support the ordinance adopted on first reading by the City Commission.

Mr. Myer opened public participation.

The following individuals came forward to speak to the Board of Planning and Appeals members:

- Eddie Colosimo, Bikers for First Amendment Rights (B.F.F.A.R.), 745 Ridgewood Avenue, Holly Hill – Addressed the Board of Planning and Appeals by sharing his concerns about the city’s image because of this and it has spread nationwide; discussed the number of flags that he feels he should be allowed to fly at his place of business, which are eight branches of service; the price of the permit for each extra flag per day to fly those flags have already been paid over and over again; he offered to fill out the permit if the City would waive the fees and the City did not want to do that. Mr. Colosimo stated he would be content if he could fly the eight branches of service flags on his property. He is passionate about his flags as well as the nation is.

Attorney Simpson clarified for Mr. Colosimo the difference between non-commercial and commercial flags.

- Roger Costi, Holly Hill – Addressed the Board of Planning and Appeals by stating that he understands and gets the non-commercial and commercial flags; is it possible to exempt Veteran organizations from the military flags? What about noncommercial?

Attorney Simpson stated that’s where it may come back as “content” because they are considered a not-for-profit business and that’s considered content. They may be able to exempt them as non-commercial.

Mr. Myer closed public participation.

Mr. Myer disagrees with Mr. Colosimo. Mr. Myer stated he thinks that eight flags at one time, flying on any piece of property is not in the public interest. He supports Mr. Colosimo’s cause but he disagrees with him. There was some further discussion amongst the Board members, Attorney Simpson and Mr. Harowski.

Mr. Heald moved APPROVAL for the Ordinance 2938 with the change that all parcels shall be a minimum of 3 non-commercial flags, seconded by Mr. Cappuccio.

The motion **CARRIED** 3-1 by roll call vote: Heald – Yes, Cappuccio – Yes, Mostert – No, and Myer – Yes

C. Z-2013-08 - Revisions to buffer requirements in Redevelopment District Overlay

City Planner Thomas Harowski gave a brief staff report pertaining to the revisions to buffer requirements in the Redevelopment District Overlay. Addressing the buffer concerns, Mr. Harowski discussed a few options to the Board as stated in the staff report.

Mr. Myer opened public participation. No one spoke.

No vote was taken; there was consensus from the Board to get more information on Option Three so that they can look at it before it goes back to the City Commission for approval.

4. OLD BUSINESS - NONE

5. COMMUNICATIONS FROM BOARD MEMBERS & STAFF

None.

6. ADJOURNMENT

The meeting officially adjourned at approximately 8:30 p.m.

Valerie Manning, City Clerk



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: June 21, 2013
SUBJECT: The Market Sign Variance
APPLICANT: City of Holly Hill
NUMBER: V-2013-03
PLANNER: Thomas Harowski, AICP

INTRODUCTION:

The City of Holly Hill is requesting a variance from the requirement of Section 110-8 Permitted Permanent Accessory Signs to allow a ground sign to be placed at the corner of Second Avenue and Riverside Drive. The code requires the sign be set back 50 feet from the property line at Riverside Drive, and the required setback cannot be accommodated at the site.

BACKGROUND:

The City of Holly Hill has been redeveloping the historic Holly Hill Market with the objective of using some of the space in the Market for lease to private businesses. The City has successfully leased space to a restaurant, the Holly Hill Chamber of Commerce and one other business. The businesses need some basic identification signage to support their business activity.

The site has one sign on Riverside Drive near the center of the property identifying the site as The Market. The sign includes an electronic reader board that allows the display of messages for planned activities on the site. This sign can be used to advertise business on the site, but only one business and be advertised at a time.

The proposed sign is shown in the attached exhibit along with the planned location on the site. The sign meets the code requirements for allowable area and height. The code allows up to two ground signs on the Second Street side of the property based on the current lot frontage on the street. Only one sign is proposed, but the code requires the placement of the sign to be 50 feet from the side property line, or in this case 50 feet from the property line at Riverside Drive.

STAFF REPORT

City of Holly Hill

Community Development Department

The proposed location is really the only place along the Second Street side where a sign can be feasibly located, and therefore the City is seeking some relief from the current rule.

DISCUSSION:

The City has submitted an application for a variance including a response to the questions stating the need for the variance. A copy of the application is attached.

The City believes that special conditions exist supporting the requested variance. These conditions include:

- The structure was built well before the institution of zoning in the City. Therefore, the site layout was not designed with modern elements including signage and parking given consideration.
- The building is a designated historic site. The need to preserve the integrity of the building suggests that signage options such as placement of signage on the walls of the building should not be considered as this would negatively impact the presentation of the building consistent with its historic character.
- Relocation of the sign to a conforming location on the Second Street frontage will result in the removal of required parking spaces. With the exception of the grassed area at the intersection of the Second Street with Riverside Drive, the entire frontage along the Second Street side of the property is devoted to parking. Placement of the proposed sign would result in the removal of parking that is required for the civic and business uses existing and anticipated for the site.
- While not directly a hardship, placement of the sign further west on Second Street will negatively impact the effectiveness of the sign by making it less visible from Riverside Drive.

The circumstances were not created by action of the City. The building configuration including the landscaping and parking location has been in place prior to the establishment of the current land development regulations. The City has taken no action which has changed the site layout in a fashion that reduced the possible locations for signage at The Market.

STAFF REPORT

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Businesses are generally entitled to signage to advertise the location of the business, and businesses at The Market will experience limitations not applicable to other businesses in the City if the proposed signage cannot be constructed. The existing signage will provide some opportunity for advertising, but since the current sign can only display one business name at a time, the businesses in The Market will be harmed as potential customers will have very limited opportunity to see the business name. As more of the available rental space is occupied, this conditions will become worse.

Granting of the variance will not confer a special privilege to The Market as the variance is simply seeking to allow signage that would normally be available to businesses on corner properties.

The proposed location preserves visibility for traffic exiting Second Street to Riverside Drive. Since the proposed location is the only place on the Second Street side of the building where a sign could feasibly be located, the requested variance is the minimum adjustment to allow placement of the sign.

The proposed variance would be in harmony with the goals, objectives and policies of the comprehensive plan, and it would not cause injury to the general area or be detrimental to the public welfare.

RECOMMENDATION:

The staff recommend the Board of Planning And Appeals recommend the City Commission grant the recommended variance.



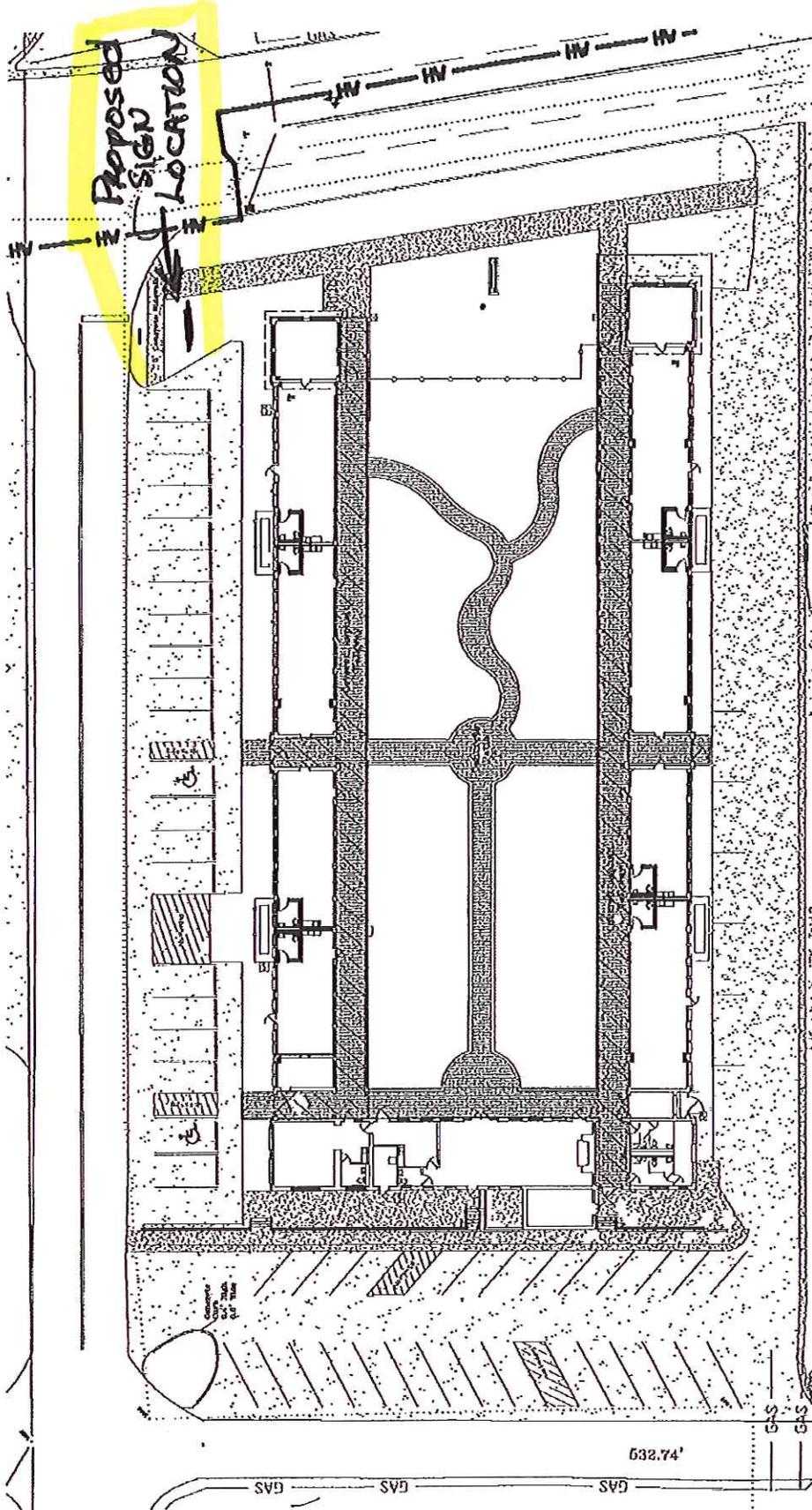
City of Holly Hill - The Market

Fabricate & install internally illuminated monument sign per approved design and specifications.

IS TOWNSEND SIGNS

THE SIGN OF QUALITY

515 LPGA BLVD.
HOLLY HILL, FLORIDA 32117
PHONE 386-255-1955 / FAX 386-255-7010
FLORIDA STATE LICENSE ES12000177



OVERALL SITE PLAN

NOT TO SCALE



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: June 24, 2013
SUBJECT: Setbacks for Accessory Uses
APPLICANT: City of Holly Hill
NUMBER: Discussion Item
PLANNER: Thomas Harowski, AICP

INTRODUCTION:

During my tenure with the City, staff has encountered a number of instances where the City's requirements regarding the location of accessory structure has created some issues regarding the placement of accessory structures on residential lots. Recently several issues have arisen with regard to R-1 zoned property where the current regulation makes it difficult to accommodate larger accessory structures. We thought it might be useful to schedule a discussion of the issues with the Board of Planning and Appeals to determine if there is any interest in considering a modification to the current rules.

BACKGROUND:

The City's current rules regarding accessory structures are contained in Section 114-741 through 114-746. (Copy attached.)

Our basic rule is that a shed or storage building of 300 square feet or less can be placed as close as five feet to the rear property line. A storage building of more than 300 square feet must meet the same setbacks as a principal structure. A garage or accessory dwelling unit must also meet the same setbacks as a principal structure.

The main issues that have arisen relate to storage units over 300 square feet. Our rear setback in the R-1 is 30 feet and it is 20 feet in our other single-family residential districts. On a standard building lot with 115 feet of lot depth in the R-1 district, the buildable area is 50 feet. This area would need to accommodate the both the main house and any larger accessory structure. It is also common in our zoning pattern to have lots that fall below, and often significantly below the minimum dimensional requirements for the zoning classification. Property

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owners desiring a larger storage unit are then faced with the task of proving a case for a variance.

The question staff is posing, is should the basic rule be changed or should property owners be left to follow the variance procedure and prove a hardship if they can?

DISCUSSION:

In order to provide some background for the discussion, the staff prepared a summary of the rules for accessory structures used by other jurisdictions in Volusia County. These have been summarized in the attached table, and copies of the rules from the various jurisdictions have been attached. (The table reflects zoning districts in other communities that are most similar to the Holly Hill R-1 district.) The following observations may be helpful:

- Of the 13 jurisdictions consulted, eight have accessory structure setbacks that are less than setbacks for principal buildings.
- Of these eight regulations, setbacks range from five feet to 10 feet with an average setback of 8 feet.
- Two other jurisdictions (New Smyrna Beach and Deltona) require accessory structures to meet the same setbacks as principal buildings, but the minimum setbacks are 7.5 feet and 10 feet respectively. These setbacks are very consistent with those jurisdictions permitting a lesser setback.
- In addition to Holly Hill, only Daytona Beach and Port Orange require larger accessory structures to meet standard setbacks for principal buildings.
- The accessory building setbacks apply to the rear yard. Most ordinances require the structure to meet the side yard setbacks.

The initial question for the BOPA to consider is whether the City should recommend a general amendment to the land development regulations or leave the regulations as they are currently constituted and rely on the variance process to address cases where a property can demonstrate a qualified hardship.

Should the BOPA consider an amendment to the City rules, staff suggests that any revision not apply to detached garages and accessory dwelling units. These structures must meet full setbacks now, and this rule seems reasonable as the

STAFF REPORT

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Community Development Department

activities housed in these structures are similar to activities contained in the principal structure.

If the Board is inclined to consider some modification to the rule, there are several options to consider. The current rule requires larger accessory structures to be placed farther from the property line. If larger accessory structures are allowed to be closer to the property line than permitted by the current rule, should there still be a maximum size on the accessory structure within the required yard? Currently an accessory structure has no maximum size, but needs to be "clearly incidental and subordinate to the principal use". If the structure exceeds 300 square feet it may still be allowed as an accessory structure, but it has to be located further from the property line.

- One option is to propose a maximum size applicable to all accessory structures.
- A second option is to increase the size limit of 300 square feet currently in the code with a larger allowable size.
- A third option is to eliminate any size restrictions for accessory uses in required yards and rely on the current language to keep the size of accessory structures reasonable.

RECOMMENDATION:

Staff has no recommendation at this point other than to obtain the BOPA members viewpoints.

Survey of Volusia County Governments

Minimum Setbacks for Accessory Uses

Government	Zone	Lot Size	Width	Depth	Front	Rear	Side	Accessory	Notes
Daytona Beach	R-1a	9000	75	100	30	25	10	10	7.5 if under 200sf
Daytona Bch Shrs	RSF-1	10000	85		30	25	10	5	
Debary	R-3	10000	85		30	20	8	5	
Deland	R-1AA	10000	100		30	25	15	7.5	
Deltona	R-1A	9500	80		25	10	6	10	Minimum yards are small
Edgewater	R-2	10000	80	125	30	20	10	5	
Holly Hill	R-1	10500	90	115	35	30	10	10	5 if under 300sf
New Smyrna Bch	R-2	8625	75	115	30	7.5	7.5	7.5	Minimum yards are small
Orange City	R-1	9000			25	30	10	10	
Ormond Beach	R-2	10000	100		30	25	8	7.5	
Port Orange	R-10SF	10000	90		30	25	10	10	5 if < 120, 10 if < 240, pools 5 feet
South Daytona	R-1a	10000	100	100	25	25	10	5	
Volusia Co.	R-3	10000	85		30	20	8	5	Pool minimum 8 ft.
Average		9740	87	111	29	22	9	8	

EDGEWATER

21-36.02 – General Regulations

- a. The principle permitted use must be built or permitted prior to a permit for an accessory use is permitted.
- b. All accessory uses, buildings and structures shall be located on the same lot as the principle or permitted use.
- c. No accessory use, building or structure shall exceed the height limit shown in that district.
- d. Accessory buildings shall not be rented or otherwise used as a dwelling unit.
- e. No accessory structure may be located within a public right-of-way or public easement.
- f. All accessory structures are required to obtain a building permit.
- g. No accessory structure may be located in any front yard in any zoning district.
- h. Accessory buildings shall conform to the setback requirements described in Table V-1.
- i. No accessory building may be located within any required parking area, landscape area or stormwater facility area.
- j. Accessory buildings shall be limited to 2 per parcel.
- k. Storage sheds of 120 sq. ft. or less may be located five (5') feet from rear and side property lines.

21-36.03 – Outdoor Storage and Display: Commercial/Industrial

The purpose of this Section is to provide regulations for the location of outdoor storage and display facilities where such storage is an accessory use and a part of normal operations on the premises.

- a. Outdoor storage and display may be permitted in conjunction with the uses allowed in certain commercial and industrial districts as indicated in Table III-3. Such outdoor storage or display shall not be located adjacent to any residential district or use unless such storage or display is screened from the view of the neighboring residential district or use.
- b. No outdoor storage may be located in any required front yard, parking areas, fire zones, loading areas or access lanes.
- c. All outdoor storage areas shall be screened from view by a six foot (6') high stockade fence, vinyl fence or masonry wall. However, the wall or fencing shall not interfere with the flow

Volusia County

Sec. 72-277. - Exceptions to minimum yard or lot coverage requirements.

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

- (1) In the RR, RE, R-1 through R-6, R-9, MH-5, MH-6, OMV, OUR, OTR, ORE, OCR and RPUD classifications, except for the provisions of subsection 72-282(2), accessory structures shall not be located in front yards. However, accessory structures may be located in rear or side yards not less than five feet from the lot lines except for atypical lots. However, garage apartments shall not be located in any required yard. On atypical lots, accessory structures may be located not less than five feet from the side lot line provided such structures, except for swimming pools, are not located in the side yard area between the rear lot line and the rearmost point of the principal structure. Accessory structures, except for seawalls and docks in accordance with 72-278, shall be located at least five feet from any side or rear lot line, but not in platted easements.
 - a. Swimming pools shall be located at least eight feet from any side or rear lot line and swimming pool screen enclosures at least five feet from any side or rear lot line, but they shall not be located in platted easements. Pools and screened enclosures located on waterfront lots shall be set back ten feet from the waterfront lot line.
 - b. All bulkheads, seawalls, retaining walls, docks, wharfs, piers, floating docks, boat slips, boathouses and moorings are considered under the terms of this article to be accessory structures to the main use or structures of the premises.
 - c. Except for seawalls on an oceanfront lot in which a gap exists as defined by the Florida Department of Environmental Protection and docks in accordance with section 72-278, no accessory building or structure shall be constructed on any lot until a principal structure is either constructed, or permitted for construction, on the same lot.
 - d. The cumulative area of all accessory buildings or structures, excluding docks, seawalls, swimming pools and pool enclosures, shall not exceed 50 percent of the square foot area of the principal structure. This subsection shall not apply to lots of one acre or greater in size.
 - e. The maximum height of an accessory structure, except for docks in accordance with section 72-278, shall not exceed 15 feet. Structures exceeding 500 square feet in area or guesthouses shall meet the same yard requirements as the principal building. Only one structure over 500 square feet in area shall be allowed in an urban residential classification.
 - f. An accessory structure shall not be separately metered for electricity over 60 amperes or water. The zoning enforcement official, based on a service demand calculation in accordance with the National Electric Code, may approve additional service size.
- (2) In the RR, RE, R-1 through R-6, R-9, MH-5 and MH-6, OMV, OUR, OTR, ORE, OCR, and RPUD classifications, on double-frontage lots or corner lots, accessory structures shall not be located in any yard abutting a street but may be located not less than five feet from any adjacent lot line.
- (3) In all zoning classifications, fences, walls and hedges may be located in yards to the extent permitted by sections 72-282 and 72-284. However, on any corner lot, no structure or shrubbery shall cause any obstruction to vision of motorists in accordance with the provisions for obstructions to vision in division 4 of the Land Development Code [article III].
- (4) In all zoning classifications, off-street parking lots may be in yards to the extent permitted by sections 72-286 and 72-287.
- (5) In all zoning classifications, boathouses and boat docks may be located in waterfront yards but shall not be permitted within 15 feet of any side lot line, or its extension into the water.
- (6) Awnings may project into any yard for either 3½ feet or half of the yard, whichever is less.
- (7) Chimneys, fireplaces and pilasters may extend into any yard for 3½ feet or half of the yard, wherever is less. Roof overhangs, unenclosed balconies and unenclosed stairways may project into any yard for 3½ feet or half of the yard wherever is less.
- (8) All structures erected to protect or support fern or other agricultural crops are exempt from the yard requirements. All buildings erected to protect or grow nursery plants are exempt from the maximum lot coverage requirements in MH-3 and in all of the agricultural zoning classifications.
- (9) Those exceptions permitted in section 72-290 pertaining to automobile service stations.
- (10) In all residential classifications, where a lot is situated between two lots, each having a principal building which projects beyond the minimum front yard requirements for its classification, its minimum front yard requirement shall be the average of the distance between the front lines and the fronts of the principal buildings on the adjacent properties.
- (11) If, because of prior zoning regulations, or because of a unified plan of development, or for any other reason, a majority of the houses already constructed in a particular residential neighborhood observe a setback greater than that which is required by these regulations, the average setback actually observed shall apply to all new construction in that neighborhood, anything in these regulations to the contrary notwithstanding.
- (12) On any nonconforming lot not more than 50 feet in width, that has a single-family zoning classification, the minimum side yard may be decreased to seven feet.

On any lot with 50 feet or less of depth and at least 5,000 square feet of area, that has a single-family zone classification, the minimum front yard may be reduced to 12.5 feet and the minimum rear yard may be reduced to ten feet providing:

 - a. The lot abuts a county arterial thoroughfare road;
 - b. The lot was reduced in size by the action of the county, state or federal government;
 - c. The lot is to be utilized only for a single-family residence and its accessory uses and structures;
 - d. The proposed single-family residence is to be connected to central water and sewer services; and
 - e. The chimneys, fireplaces, roof overhangs, unenclosed balconies and unenclosed stairways of the proposed single-family residence may not project into the reduced front and rear yards more than two feet.
- (13) In all zoning classifications, package sewage treatment plants may be located in yards to the extent permitted by section 72-292 and subsection 72-293(1)c.
- (14) A satellite dish shall be considered to be an accessory structure and shall comply with the requirements of subsection (1) of this section. However, no portion of the structure shall project into an area less than five feet from the side and rear lot lines or in platted easements.

ORANGE CITY

Exceptions to minimum yard, lot coverage or height requirements. Every part of every yard shall be open and unobstructed from the ground up, except as follows:

- A. In all zoning districts, accessory structures shall not be located in any front yard area or forward of the front building line. Such structures may be located in rear or side yards not less than ten feet from the lot lines. Garage apartments shall be located only in the buildable area of a lot and not in any required yard.
- B. Swimming pools without screen enclosures may be located no closer than ten feet to any side or rear lot line. Swimming pool screen enclosures shall meet the required minimum side setback, and may be located up to one-half the distance for the minimum rear yard setback, and not exceed 15 feet in height.
- C. Screen enclosures as accessory structures shall meet the required minimum side yard setback, may be located up to one-half the distance of the minimum rear yard setback and shall not exceed 15 feet in height.
- D. Utility sheds or storage buildings that do not exceed 200 square feet and 12 feet in height may be located up to ten feet of any side or rear lot line, except that garage apartments shall not exceed the zoning district height limit.
- E. Utility sheds or storage buildings that exceed 200 square feet may be located no closer than ten feet to any side lot line and up to one-half the distance of the minimum rear yard setback. The height of any utility shed or storage building that exceeds 200 square feet shall not exceed 15 feet in height.
- F. A detached garage may be located up to one-half the distance of the minimum rear yard setback and shall be located no closer than ten feet to any side lot line. The height of any detached garage shall not exceed 15 feet in height.
- G. Portable on demand storage units (PODS) or similar types of units may be located within residential and commercial zoning districts for a time period not to exceed 15 days. Provided however, if said units are located within commercial zoning districts and are not visible from any street or adjoining property than the unit may remain on the property for a longer period of time provided it is subject to approval of the DSD.
- H. Detached accessory structures in the R-1, R-2 and OT zoning districts on double-frontage or corner lots. On double-frontage lots or corner lots, detached accessory structures shall not be located in any yard abutting a street or in front of the front line of the principal building, but may be located not less than five feet from any side lot line.
- I. Off-street parking lots. In all zoning districts, off-street parking lots may be located in yards to the extent permitted by section 8.7.7. of this chapter.
- J. Movable awnings. Movable awnings may project into any yard for either two feet or half of the yard, whichever is less.
- K. Projections. Chimneys, fireplaces, pilasters, roof overhangs, unenclosed balconies and unenclosed stairways may project into any yard for 3½ feet or half of the yard, whichever is less.
- L. Automobile service station exceptions. Those exceptions permitted in section 8.7.14. of this chapter pertaining to automobile service stations.
- M. Minimum front yard. In all residential and OT zoning districts, where a lot is situated between two lots, each having an existing principal building which projects into the minimum front yard requirements for its district, the minimum front yard requirement shall be the average of the distance between the front lot lines and the fronts of the principal buildings on the adjacent properties.
- N. Minimum side yard. On any nonconforming lot not more than 50 feet in width, the minimum side yard may be decreased to seven feet.
- O. Spires, bellfries, cupolas, antennas, water tanks, ventilators, chimneys, or other similar accessory or appurtenant structures customarily required to extend above the roof level may extend for an additional 20 feet above the maximum building height prescribed for the district in which they are located.
- P. A building height exceeding 35 feet may be allowed within any zoning district with a PUD rezoning subject to consideration by the city council.
- Q. A satellite dish shall be considered to be an accessory structure and shall comply with the requirements of section 8.7.21. of this chapter. However, no portion of the structure shall project into an area less than ten feet from the side and rear lot lines or in platted easements

DeBarry

Sec. 3-122. - Exceptions to minimum yard or lot coverage requirements.

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

- (1) In the RR, RA, R-1 through R-8, MH-1, MH-5, and RPUD classifications, except for the provisions of chapter 5, article 3, accessory structures shall not be located in front yards. However, accessory structures may be located in rear or side yards not less than five feet from the lot lines except for atypical lots. However, garage apartments shall not be located in any required yard. On atypical lots, accessory structures may be located not less than five feet from the side lot line provided such structures, except for swimming pools, are not located in the side yard area between the rear lot line and the rearmost point of the principal structure. Accessory structures and swimming pools shall be located at least five feet from any side or rear lot line, but not in platted easements.
- (2) In the RR, RA, R-1 through R-6, MH-1, MH-5, and RPUD classifications, on double-frontage lots or corner lots, accessory structures shall not be located in any yard abutting a street but may be located not less than five feet from any adjacent lot line.
- (3) In all zoning classifications, fences, walls and hedges may be located in yards to the extent permitted by chapter 5, articles I and III. However, on any corner lot, no structure or shrubbery shall cause any obstruction to vision of motorists in accordance with the provisions for obstructions to vision in division 4, article II of chapter 4.
- (4) In all zoning classifications, off-street parking lots may be in yards to the extent permitted by sections 3-129 and 3-130, but not within buffers.
- (5) In all zoning classifications, boathouses and boat docks may be located in waterfront yards but shall not be permitted within 15 feet of any side lot line, or its extension into the water.
- (6) Moveable awnings may project into any yard for either 3½ feet or half of the yard, whichever is less.
- (7) Chimneys, fireplaces, pilasters, roof overhangs, unenclosed balconies and unenclosed stairways may project into any yard for 3½ feet or half of the yard, whichever is less.
- (8) Those exceptions permitted in section 3-133(2) pertaining to automobile service stations.
- (9) In all residential classifications, where a lot is situated between two lots, each having a principal building which projects beyond the minimum front yard requirements for its classification, its minimum front yard requirement shall be the average of the distance between the front lines and the fronts of the principal buildings on the adjacent properties.
- (10) If, because of prior zoning regulations, or because of a unified plan of development, or for any other reason, a majority of the houses already constructed in a particular residential neighborhood observe a setback greater than that which is required by these regulations, the average setback actually observed shall apply to all new construction in that neighborhood, anything in these regulations to the contrary notwithstanding.

Delaware

Sec. 33-28. - Accessory structures. *g*33- 28.01. *General standards and requirements.*

(a) *Permit required.* No person shall construct, erect, place or replace any accessory structure regulated by this article, until the owner of the property on which the structure is to be located, or his agent, has obtained a building permit for the structure.

(b) *Where allowed.* Unless otherwise restricted below, accessory structures are allowed where appropriate to the use allowed by the zoning district. Common accessory structures include signs, satellite dish antennas, fences, swimming pools, tennis courts, laundry rooms, maintenance buildings, recreational buildings, utility sheds, greenhouses, garages and carports. Temporary structures are not allowed to be used as accessory structures.

(c) *General requirements.* All accessory structures shall meet the following general standards and requirements, as well as any standards in the sections that follow applicable to specific types of accessory structures.

1. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this chapter.
2. When an accessory building is attached to a principal structure by a breezeway, roofed passage or otherwise, it shall be deemed to be part of the principal building and shall maintain the yard requirements of the principal building.
3. Any detached accessory building, use or structure for residential zoning districts located in the rear or side yard shall be set back a minimum of seven and one-half feet. Any detached accessory building, use or structure for nonresidential zoning districts located in the side yard shall observe the zoning districts side yard setback requirements (signs; refer to section 33-78.04(e)) and may be allowed to encroach up to one-half the distance of the minimum rear yard setback. Any detached accessory building, use or structure shall not be located inside platted easements. No such use, building or structure shall be located closer than six feet to any other accessory building, use or structure on the same lot.
4. No detached accessory building shall be located in the front yard setback area of any lot or parcel or in residential districts in front of the principal building or structure.
5. An accessory building not exceeding 12 feet in height may occupy not more than 35 percent of a required rear yard.
6. No attached accessory use, building, or structure, including carports, screened enclosures, sheds, or other such uses, shall be located in the front yard setback area. If such uses are located in the side yard, these structures shall observe the district side yard setback requirements.

NEW SMYRNA BEACH

803.00. - Regulations pertaining to accessory buildings and incidental uses.

803.01. *Accessory buildings and structures shall not:*

- A. Be erected within five feet of any other building;
- B. Exceed the height of a conforming principal building or 25 feet, whichever is less in height;
- C. Exceed 60 percent of the area of the principal building or maximum lot coverage, wherever is less. This includes all accessory buildings on a lot;
- D. Be located in required yard area;
- E. Be without a tiedown to the ground or sufficiently anchored to a concrete slab or foundation in case of high winds;
- F. Be erected, installed, placed, or constructed without a permit; and
- G. Be allowed on a lot until a principal use exists on said lot or parcel with the following exceptions:
 - (1) A boat dock and terminal platform, a boathouse, and mooring poles, for the sole use of the property owner, may be constructed on, or adjacent to, a lot prior to the construction of a principal structure; and
 - (2) An on-site temporary sales or brokerage office may be located on a lot prior to the construction of a principal structure

*PORT DROUPE***Section 1: Accessory uses and structures.**

- (a) *In general.* Specific accessory uses and structures shall comply with the following regulations.
- (b) *Principal use and/or principal structure required.* Accessory uses and structures shall:
- (1) Be customarily incidental to the principal use established on the same lot;
 - (2) Be subordinate to and serve such principal use;
 - (3) Be subordinate in area, extent and purpose to such principal use; and
 - (4) Contribute to the comfort, convenience or necessity of users of such principal use.
- No accessory structure or use shall be permitted on any lot which does not have an established principal use conforming to the requirements of this code. No accessory structure shall be permitted on any lot which does not have a permitted principal structure.
- (c) *General provisions.*
- (1) Outdoor storage shall be prohibited, except as specifically permitted herein.
 - (2) Signs, fences, walls, parking and loading areas, and other such features which are typically located within required yard areas shall comply with the applicable provisions of this code for such uses and structures.
 - (3) Any specific accessory use or structure which is not addressed within this chapter shall not be located on any lot.
- (d) *Size limitations.* Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions:
- (1) The size of the accessory residential structure shall not cause the building coverage on the lot to exceed the maximum building coverage established for the zoning district;
 - (2) 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;
 - (3) The accessory residential structure shall not be located within any required yard, unless otherwise permitted by this chapter. Additionally, no accessory residential structure shall be permitted in the front yard, unless specifically permitted by this code;
 - (4) No accessory residential structure shall be used as a guest house, apartment, or other residential quarters, unless otherwise permitted by this code; and
 - (5) No accessory residential structure shall be used in any manner for a home occupation, except for the storage of customary homeowner tools and equipment.

South Daytona

Sec. 5.6. - Supplementary regulations. 

Regulations under this section shall apply to all zoning districts and to all buildings, structures, and uses of land or water in all zoning districts except as may otherwise be provided in the following regulations:

- A. *Accessory uses and structures.* Specific uses and structures, except for fences and walls, which are covered under a separate section of this Code, shall be additionally governed by the following regulations:
1. *Setback encroachments for uses and structures other than sheds.* No accessory use or structure shall be located in any required front yard or in any required side or rear yard except as provided for below:
 - a. Accessory structures may be located no closer than five feet from the rear property line.
 - b. Air conditioner compressors may extend three and one-half feet into a required yard. In no case should this encroachment exceed 50 percent of the required setback.
 - c. Roof overhangs may extend three feet into a required yard. In no case should this encroachment exceed 50 percent of the required setback.
 - d. Structures which are not enclosed by walls or roofs may be allowed in any required side or rear yards as long as a minimum distance of five feet from the lot line is maintained, except that driveways, concrete pads, sidewalks, etc. may be closer than five feet from the lot line if the chief building official determines that proper drainage can be maintained.
 - e. In all residential districts, the height of accessory structures shall not exceed 15 feet.
 2. *Setback encroachments and number and size limitations for sheds.*
 - a. No shed shall be located in the front yard or side corner yard of a residential property.
 - b. A shed may be located in the rear yard but no closer than five feet from the rear property line.
 - c. A shed may be located in the side yard of a residential property provided that it does not encroach into the required side yard setback.
 - d. The number of sheds on a residential property is limited to two.
 - e. The combined total footprint area of all sheds, including existing ones, on a residential property shall not exceed 200 square feet.
 - f. Sheds in zoning districts other than residential shall not be located in the required front yard, side yard, or side corner yard.
 - g. No shed shall exceed 11 feet in height.
 - h. "Side corner yard" is defined as that portion of the yard behind the front yard that lies between the plane of the side of the house and the paved street which it faces.
 - i. "Side yard" is defined as that portion of the yard behind the front yard that lies between the side of the house and adjoining side lot line with the neighboring property.
 - j. "Shed" is defined as any storage structure that is either attached to or detached from the principal structure and designed primarily for storage of small items such as yard equipment, tools, toys, bicycles etc., but the term does not include a garage designed for the storage of automobiles.

*Daytona Beach Shores***Sec. 14-34. - Accessory uses and structures.**

No accessory uses, structures, which shall include publication storage devices as an accessory use, shall be located in any required yard except as provided for below:

1. In residential districts accessory uses and structures shall not be located in required front or side yards but may be located in required rear yards not less than five (5) feet from the rear lot line, provided, however, that accessory structures for the housing of persons, such as a garage apartment, shall not be located in any required yard.
2. In residential districts on double frontage lots or corner lots accessory uses and structures shall not be located in any required yard abutting the public right-of-way but may be located not less than five (5) feet of the lot lines of one (1) but not both required yards that abut upon an adjacent lot.
3. In all zoning districts fences, walls, and hedges shall be permitted subject to the requirements of section 14-44
4. In all zoning districts boat houses and boat docks may be located in any required waterfront yard but shall not encroach within fifteen (15) feet of the side lot.
5. In all zoning districts rooftop air conditioning and ventilating units shall be so screened as to not be visible from the immediate public right-of-way.
6.
 - a. Publication storage devices may be located in any area of any lot except in the area within the following yard areas:
 - (1) *Side Yard*: Twenty (20) feet from the property line.
 - (2) *Front Yard*: Twenty (20) feet from the property line.
 - (3) *Rear Yard*: Ten (10) feet from the property line.
 - b. Notwithstanding the foregoing, it is prohibited and unlawful to place, install, use or maintain a publication storage device:
 - (1) So as to violate any relevant provision of the Americans with Disabilities Act (ADA), in existence or as amended from time to time;
 - (2) Within five (5) feet of any marked crosswalk;
 - (3) Within five (5) feet of the curb return of any unmarked crosswalk;
 - (4) Within five (5) feet of any fire hydrant, fire call box, police call box, or other emergency facility;
 - (5) Within five (5) feet of any driveway;
 - (6) In such a location as to cause a material public safety issue;
 - (7) Within such distance from a designated bus stop, bus bench or bus shelter so as to impede the entry or exit from a bus;
 - (8) On any access ramp for disabled persons;
 - (9) Within the limits of any designated loading zone; or
 - (10) So as to interfere with access to or egress from a handicapped parking space.
 - c. Aside from the above regulations, the City shall not regulate the placement of a publication storage device and shall, in no event, regulate the content of the publication placed in a publication storage device when such publication does not violate law.

Daytona Beach

Sec. 5.1. - Principal buildings and accessory structures.

- (a) In any residential district, a dwelling shall be deemed to be the principal building on the lot on which it is situated.
- (b) The construction of accessory structures shall not grant any use in property that is not otherwise permitted.
- (c) Only one principal building shall be located on any single-family or duplex lot.
- (d) On any single-family or duplex lot, accessory structures shall comply with the following requirements:
 - (1) Accessory structures 200 square feet or less in floor area may be located in the rear yard provided a minimum 7.5 foot separation is maintained from the side and rear property lines and no more than 30 percent of the rear yard is covered.
 - (2) Accessory structures greater than 200 square feet in floor area shall not be located within a required yard.
 - (3) Accessory structures greater than 200 square feet in floor area must have the same or similar exterior finish and roof design as the principal building on the site.
 - (4) The floor area of any accessory structures shall not exceed 50 percent of the floor area of the principal building on the site.
 - (5) The maximum height of a detached accessory structure shall not exceed 20 feet.
 - (6) A minimum five-foot separation between accessory structures and the principal building on the site shall be maintained.
 - (7) No more than two detached accessory structures shall be permitted on any property.
 - (8) No accessory structure, except for those commonly located in the front yard, shall be located closer to the front lot line than the front wall of the structure. For purposes herein, swimming pools and tennis courts shall not be deemed to be commonly located in the front yard.

(Ord. No. 04-123, § 2, 3-17-2004)

Sec. 5.2. - Requirements for lots and buildings.

Zone	Min. Lot Area sq. ft.	Min. Living Area sq. ft.	Min. Lot Width at Bldg. Line (See Note 1)	Min. Lot Depth	Min. Front Yard	Min. Side Yard Interior (See Note 8)	Min. Side Yard Street	Min. Rear Yard (See Notes 2 and 8)	Max. % of Lot Coverage (See Note 3)	Max. Bldg. or Struct. Height	Max. Res. Density Units Per Gross Acre
R-1a	9,000	1,400	75'	100'	30'	10'	20'	25'	35%	35'	
R-1a1	8,500	1,000	65'	100'	25'	8'	20'	25'	35%	35'	
R-1b	8,000	900	65'	100'	25'	8'	15'	25'	35%	35'	
R-1c	6,000	900	60'	100'	25'	7.5'	15'	25'	35%	35'	
RR	5,000	Note 4	50'	100'	20'	Single-family 7.5' Multifamily 15'	Single-family 15' Multifamily 25'	25'	35%	35'	9

*Ormond Beach*Sec. 2-50. Accessory uses. *E*

- (a) *In 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 lots. The following regulations shall apply to all accessory uses:
- (1) No accessory structure or use shall be permitted on any lot which does not have an existing or permitted principal use or structure. Accessory uses may be permitted simultaneously with the issuance of building permits for the principal use or structure.
 - (2) Unless otherwise specified within this article:
 - a. All accessory structures and uses in residential districts shall be set back at least seven and one-half feet (7½') from the rear lot line and seven and one-half feet (7½') from one (1) interior side lot line, provided that the other side conforms to the district regulations for the principal structure.
 - b. All accessory structures and uses in nonresidential districts shall be required to meet the principal building setbacks for the subject property.
 - c. Accessory structures and uses in all zoning districts shall be prohibited in the required front yard or side corner setback and are encouraged to be located at the side or 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 use.
 - (4) Except as otherwise specifically permitted within this article, accessory uses shall be similar in design, materials and colors to the principal structure occupying the site.
 - (5) For double frontage lots and corner side yards, accessory structures or uses shall not be located within the required rear yard setback unless screened by a hedge or wall at least four feet (4') in height.
 - (6) Accessory uses and/or structures for all uses requiring site plan review shall be located in accordance with the final approved plan and shall not be permitted in any other areas not so designated.
 - (7) 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.
 - (8) Unless otherwise expressly permitted in this section, any structure with a hard roof is required to meet the principal building setbacks for the respective zoning district.
 - (9) All accessory structures require the issuance of building permits by the city building department, as specified in section 1-14(f).
- (b) *Accessory dwelling units.* One (1) accessory dwelling unit is permitted for properties within residential zoning districts and shall meet the conditions below:
- (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 consistent with the principal residential structure.
 - (4) Secondary kitchens are permitted.
 - (5) All accessory dwelling units shall have a deed restriction on the title to be recorded in the public records of the county; it shall be the responsibility of the property owner to provide proof of recordation to the city when requesting use of the accessory dwelling unit.
 - (6) The property owner shall reside on the property when utilizing the accessory dwelling unit as a rental unit; members of the owner's family, a renter or caregiver shall occupy either the principal structure or the accessory dwelling unit.
 - (7) The maximum total square footage permitted for the accessory detached dwelling unit shall be limited to forty-nine percent (49%) of the square footage of the principal structure.
 - (8) Principal structures less than three thousand two hundred sixty-six (3,266) square feet: accessory dwelling units are permitted to have a total building footprint of eight hundred (800) square feet, with a total maximum square footage of one thousand six hundred (1,600) square feet, and shall have a first floor garage.



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: June 25, 2013
SUBJECT: Modifications to Ridgewood Avenue Buffers
APPLICANT: Administrative Request
NUMBER: Z-2013-08
PLANNER: Thomas Harowski, AICP

INTRODUCTION:

At the June meeting the Board of Planning and Appeals considered a proposal to amend the minimum landscaping requirements within the Redevelopment District Overlay. The BOPA gave direction to the staff on a preferred option and requested that a complete proposal be presented at the next meeting.

BACKGROUND:

The case for considering a modification to the minimum landscape standards was presented at the last meeting. A copy of the memo provided for that meeting is attached.

DISCUSSION:

The proposed regulation essentially sets out specific conditions under which the staff may grant "variance type" relief from the minimum buffer requirements. The discussion from the last meeting laid out a condition where some reduction in the minimum buffer requirement could be granted in cases where other essential site activities would limit the ability to provide the full required buffer. As examples consider:

An existing building is located close to the right-of-way and the business needs to maintain pedestrian access as well as provide landscaping.

There is insufficient area between the right-of-way and a building to provide required parking and access aisles as well as provide the full buffer requirement.

STAFF REPORT

City of Holly Hill

Community Development Department

Staff is suggesting amending Section 114-637 to combine off-street parking waivers and landscape modifications in one section dealing with areas where some code relief can be provided. The proposed language is as follows:

Sec. 114-637. ~~Off-street parking.~~ Modifications to Regulations

- (a) The city may waive parking requirements dependent upon property design, uses, inclusion of pedestrian ways, and availability of public parking.
- (b) The staff may reduce the minimum buffer depth for property lines abutting arterial and collector roads by up to fifty (50%) percent if the applicant can demonstrate that provision of the full buffer area will limit the ability of the site to comply with other required site elements such as parking, vehicular access and pedestrian access. Any reduction in the buffer area shall be the minimum necessary to provide relief to the site. Reduced buffers shall maintain the same volume of plant material as the standard minimum buffer unless the required plant material cannot fit in the reduced buffer.

The proposed language is designed to accomplish the following ends:

- It allows for the staff to grant some relief from the landscaping rule provided a case for the relief is documented.
- Staff is limited to a reduction of 50% in the buffer reduction. If a greater reduction is needed the applicant can use the standard variance process to obtain a greater level of relief.
- The language confirms that the relief is the minimum needed to make the site fully operational relative to the other code requirements.
- The language requires the applicant to maintain the full level of plant material in the buffer. Thus the buffer may be narrower, but it will be thicker in terms of plants provided. If there is not enough room to accommodate the denser plantings, then some reduction is permitted.

RECOMMENDATION:

Staff recommends the Board of Planning and Appeals recommend the proposed amendment to the City Commission.



STAFF REPORT

City of Holly Hill
Community Development Department

Board of Planning and Appeals *Agenda Item*

DATE: May 30, 2013
SUBJECT: Modifications to Ridgewood Avenue Buffers
APPLICANT: Administrative Request
NUMBER: Z-2013-08
PLANNER: Thomas Harowski, AICP

INTRODUCTION:

The City Manager has requested the Board of Planning and Appeals consider a modification to the front buffer requirements within the Redevelopment District Overlay to reduce the required front buffer from the current 10 feet to seven and one-half feet.

BACKGROUND:

The landscaping requirements for developments in the City of Holly Hill are presented in Chapter 98 of the City Code. Section 98-33 presents the requirements for landscaping adjacent to streets and along parcel lines. This section reads in part:

Sec. 98-33. Landscaping adjacent to streets and along parcel lines.

A landscaped strip shall be provided along all parcel lines and abutting street right-of-way lines as required by the provisions of this section. The depth of the required landscaped strip shall be measured and provided parallel to the parcel line or abutting street right-of-way in question. Landscaped strips shall be considered to be required landscaped area. A landscaped strip may be included as fulfilling the buffer requirements for the premises in question. However, no part of a landscaped strip required for any use shall be included as fulfilling the landscape or buffer requirements for another use unless specifically provided for in this subpart. Landscaped strips shall be provided in the following manner:

- (1) *Parcel lines abutting arterial or collector roadways.* A ten-foot-wide landscaped strip shall be provided along all parcel lines abutting a street right-of-way classified as an arterial or collector roadway in the

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traffic circulation plan element of the comprehensive plan. Required landscaping shall be provided within the required landscaped strip as follows:

- a. *Trees*. One tree shall be provided for every 25 linear feet of parcel line in question. Such trees shall be evenly spaced.
- b. *Hedges*. When off-street parking, loading, unloading and vehicular circulation areas are to be located adjacent to the street in question, a dense hedge of evergreen type shrubs shall be provided in the following manner:
 1. At initial planting and installation, shrubs shall be at least 30 inches in height and shall be separated by a distance of 30 inches or less on center from adjacent tree trunks or shrubs.
 2. Within one year of initial planting and installation, shrubs shall have attained and be maintained at a minimum height of four feet and shall provide an opaque vegetative screen between the street and the use of the premises.
 3. In lieu of a vegetative hedge, the development code administrator shall be authorized to approve the use of berms or other appropriate landscape materials in a manner that results in the visual separation of the street right-of-way and the premises in question.

In recent efforts to redevelop properties along both US 1 and LPGA Boulevard, the City has encountered conditions where buildings are located close to the road or have insufficient area to permit full 10-foot buffers without impacting necessary site elements such as parking. It is possible to address these conditions with variances if a hardship unique to the property can be proven, but often these are hard cases to prove when the issue is arising from a desire to redevelop an existing property. When buffers are an issue, this problem can have a dampening effect on redevelopment activities.

DISCUSSION:

If we want to address the buffer concern, there are a couple of options that are open to us.

- One option is to modify the buffer rule for all properties.
- A second option is to modify the buffer rule for all properties that front on US 1 or LPGA Boulevard

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- A third option is to create an opportunity for an administrative modification to the buffer requirements based on specific standards.

Option one is a straight forward adjustment of the language in Section 98-33 to change the buffer requirement from 10 feet to 7.5 feet. This change would have the effect of reducing buffers for all business sites anywhere in the City where they front on arterial or collector roads.

Option two is a similar change but it would be limited to properties that front on US 1 or LPGA Boulevard. We have a similar type of regulation in the Redevelopment District Overlay where there are some land uses that are prohibited on properties adjacent to Ridgewood Avenue and LPGA Boulevard (Section 114-635)

Option three requires some discretion on the part of staff to interpret and apply criteria that support a limited application of the standard rule. Section 114-637 regarding off-street parking in the Redevelopment District Overlay is a regulation of this type. This rule allows a waiver of parking requirements dependent upon the property design, uses, inclusion of pedestrian ways and the availability of public parking. We could develop a similar regulation for front buffers in the Redevelopment District Overlay in situations where there is less than ten feet between the building and the right-of-way; where the provision of a full ten foot buffer would impact the provision of pedestrian access; or where the property owner could demonstrate that a full ten-foot buffer would unduly limit the use of a property for essential site activities such as parking.

Under the third option, staff recommends adding a section to the Redevelopment District Overlay similar to Section 114-637 where the option to vary from the minimum buffer requirement is allowed provided one of the conditions cited above exists. Staff can then make a determination as to the nature and extent of any reduction in the minimum buffer requirement and approve a reduction if warranted. The section should state that any reduction in the buffer is the minimum reduction necessary to provide relief from the effect of the buffer regulation.

Option three will have the effect of maintaining the current buffers and landscaping where possible while providing some relief to developments where a traditional variance might not be applicable. A project such as the new

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development at 700 Ridgewood or the redevelopment of the Sunoco station at Mason Avenue and Ridgewood would provide the full 10-foot buffer since they are essentially fully demolishing building on the site and starting redevelopment with a clean slate.

RECOMMENDATION:

The planning staff recommends the third option which creates an adjustment opportunity under the provisions of the Redevelopment District Overlay.