

**ORDINANCE NO. 09-01**

**AN ORDINANCE OF HOLMES COUNTY, FLORIDA, AMENDING THE HOLMES COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; AMENDING CHAPTER I, "GENERAL PROVISIONS" SECTION 1.11.00 TO ADD PLANNING COMMISSION GUIDELINES. PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, lack of specific language in the Land Development Regulations which directs the Local Planning Agency (Holmes County Planning Commission); and

**WHEREAS**, the Board of County Commissioners want to provide for board consistency and guidelines within the Planning Commission from appointment to appointment;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, that:**

**Section 1.** The Land Development Regulations of Holmes County, Chapter I, "General Provisions" is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

**Chapter 1**

**GENERAL PROVISIONS AND PLANNING COMMISSION RESPONSIBILITIES**

**TITLE**

- 1.01.00            **AUTHORITY**
- 1.02.00            **APPLICABILITY**
- 1.02.01            ***GENERAL APPLICABILITY***
- 1.02.02            **EXCEPTIONS**
- 1.03.00            **INTENT**
- 1.03.01            **GENERAL INTENT**
- 1.04.00            **FINDINGS**
- 1.04.01            ***GENERALLY***

1.05.00	INCORPORATION BY REFERENCE
1.05.01	MAPS
1.06.00	RULES OF INTERPRETATION
1.06.01	GENERALLY
1.06.02	RESPONSIBILITY FOR INTERPRETATION
1.06.03	COMPUTATION OF TIME
1.06.04	DELEGATION OF AUTHORITY
1.06.05	GENDER
1.06.06	NUMBER
1.06.07	SHALL, MAY
1.06.08	WRITTEN OR IN WRITING
1.06.09	YEAR
1.06.10	DAY
1.06.11	BOUNDARIES
1.06.12	RELATIONSHIP OF SPECIFIC TO GENERAL PROVISIONS
1.07.00	REPEAL OF PRIOR PROVISIONS
1.08.00	ABROGATION
1.09.00	SEVERABILITY
1.10.00	EFFECTIVE DATE
<u>1.11.00</u>	<u>LOCAL PLANNING AGENCY – PLANNING COMMISSION</u>
<u>1.11.01</u>	<u>AUTHORITY</u>
<u>1.11.02</u>	<u>MEMBERSHIP</u>
<u>1.11.03</u>	<u>TERM OF OFFICE, REMOVAL FROM OFFICE, VACANCIES, AND COMPENSATION</u>

1.11.04 OFFICERS AND STAFF TECHNICAL ASSISTANCE

1.11.05 RULES OF PROCEDURE, MEETINGS, AND RECORDS

1.11.06 QUORUM AND VOTE REQUIRED

1.11.07 DUTIES

1.11.00 Planning Commission

1.11.01 Authority. The Holmes County Planning Commission is hereby designated and established by the Board of County Commissioners (BCC) as the Local Planning Agency (LPA) (reference Ordinance Number 77-2) for the unincorporated areas of Holmes County, Florida, pursuant to and in accordance with, the provisions of Chapter 163, Florida Statutes (F.S.).

1.11.02 Membership. The Holmes County Planning Commission shall consist of five (5) members, who shall be residents of Holmes County, and shall be appointed by the BCC. Each County Commissioner shall nominate one or more persons residing within the County, but preference should be given to candidates that reside within the District they will represent. Should a majority of the County Commissioners, sitting as a quorum, fail to agree on a particular nominee, then a new nominee shall be submitted by the submitting Commissioner. No member shall be a constitutional officer of the County.

1.11.03 Term of office, removal from office, vacancies, and compensation

- A. Term of office: The terms of the members shall be for a period of four (4) years, concurrent with the term of office of their appointing County Commissioner, or thereafter until his/her successor is appointed, and each appointment shall be made to ensure staggered terms. The non-voting School Board Member shall serve until he/she resigns or is removed by the District School Board.
- B. Removal from office: Any member of the Planning Commission may be removed from office during his/her term by the appointing BCC member for cause or on written charges, after a public hearing. The Planning Commission chair shall notify the BCC in writing whenever a Planning Commission member has missed three (3) meetings within a 12 month period and outline the reasons for the absences. The BCC shall then remove and replace said member if the absences were not beyond the control of the appointee. Additionally, if a member fails to attend any two (2) of three (3) successive meetings without cause and without prior approval of the chair, the Planning Commission shall declare such the member's office vacant and the BCC shall appoint a replacement. The

School Board may remove for any reason or at any time the non-voting member appointed by the School Board.

- C. Vacancies: Any vacancy occurring during the unexpired term of office of any voting member, or a vacancy of the non-voting member, shall be filled within 30 days after the vacancy occurs and as set forth in Section 1.11.01 for the balance of the term.
- D. Compensation: All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

#### 1.11.04 Officers and staff technical assistance

- A. The Planning Commission shall elect a chair and vice-chair from among its members. Terms of these offices shall be for two (2) years, with eligibility for re-election.
- B. Designated staff of the Planning and Zoning Department shall prepare agendas, publish notices, arrange meetings, distribute public hearing commission packages, and minutes of the proceedings as necessary to assist the Planning Commission. The Planning Commission shall be authorized to call upon any department of the County at any time for information and advice that, in the Board's opinion, will aid in the efficiency of its work. Upon approval of such request by the County Administrator, it shall be the duty of each department of the County to furnish such information and advice promptly. A reasonable amount of expenses such as professional services, purchase of maps, legal advertisements, and so forth shall be paid by the County upon the approval of the County Administrator. However, no services may be contracted for without prior approval of the BCC. The County Attorney, or his/her designee, shall act as legal advisor to the Planning Commission if so requested by the Planning Commission.

#### 1.11.05 Rules of procedure, meetings, and records

- A. The Planning Commission shall adopt rules of procedure for the transaction of its business, provided that its rules of procedure and schedule of meetings shall be in accordance with applicable law and shall be provided to the BCC. The Planning Commission shall hold regular meetings. Special meetings may be heard at such times as the Planning Commission may determine, or at the call of the chair thereof, or the Director of the Planning and Zoning Department, or the consideration of business before the Planning Commission. All regular and special meetings of the Planning Commission shall be open to the public and advertised according to Florida Sunshine Laws.
- B. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question considered, or, if absent or failing to

vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be filed in the Planning and Zoning Department.

1.11.06 Quorum and vote required. Three (3) of the five (5) voting members of the Planning Commission shall constitute a quorum, and the vote of a majority of the quorum shall be necessary for any action thereof.

1.11.07 Duties. The Holmes County Planning Commission shall have all the powers, duties, and responsibilities as set forth in Florida Statutes Chapter 163, as amended. In addition, the Holmes County Planning Commission shall have the continuing duty to be currently informed and knowledgeable of the conditions and development of the County and to make studies and recommendations relating to County growth management, either initiated by the Planning Commission, the County Administrator, or the BCC. The Planning Commission shall hear, give consideration to, and make recommendations to the BCC on the following matters in accordance with the requirements of the applicable County Ordinance or State Regulation:

- A. The comprehensive planning program, including preparation of the Comprehensive Plan or elements or positions thereof for the County.
  - 1. Coordination of such Comprehensive Plan or elements or portions thereof with the comprehensive plans of other appropriate city/town governments and the state.
  - 2. The monitoring of the effectiveness and status of the Comprehensive Plan adopted by the BCC.
  - 3. Changes in the Comprehensive Plan as may be required from time to time.
  - 4. Text changes to County Ordinances designed to promote orderly development as set forth in the Comprehensive Plan.
  
- B. An application by any person, including the County, proposing the enactment, amendment, or repeal of a land development regulation shall be made to the Director of Planning and Zoning Department on forms provided by the department. Completed applications will be forwarded to the Planning Commission for consideration at a public meeting, and the Commission shall make a recommendation to the BCC.
  
- C. Applications on the following land use matters:
  - 1. Proposed County initiated legislative rezoning of an area of specifically designated properties that does not require a quasi-judicial hearing.
  - 2. Proposed amendments to the overall zoning ordinance (LDC).

3. Interpret provision of the LDC for clarification or determination of meaning and intent if questions should arise regarding the meaning.
4. Planned Unit Developments (PUD).
5. Review and make recommendations to the BCC on applications relating to major development activity pursuant to this Code, including without limitation: proposed zoning changes of any specific property and proposed subdivision plats.

**Section 2. Severability**

If any section, sentence, clause, or phrase of this Ordinance is declared to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Inclusion in the Code**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by Section 125.68, Florida Statutes (2008); and that the sections, subsections, and other provisions of this Ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 4. Effective Date**

This Ordinance shall become effective upon filing with the Department of State.  
 DONE AND ENACTED by the Board of county Commissioners of Holmes County,  
 Florida this 13th day of January, 2009.

BOARD OF COUNTY COMMISSIONERS  
 OF HOLMES COUNTY, FLORIDA

By: *Monty Merchant*  
 Monty Merchant, Chairman

ATTEST: CODY TAYLOR  
 CLERK OF THE CIRCUIT COURT

By: *Cody Taylor*  
 Clerk

Seal: