

ORDINANCE NO. 06-13

AN ORDINANCE OF THE COUNTY COMMISSION HOLMES COUNTY, FLORIDA, AMENDING THE HOLMES COUNTY LAND DEVELOPMENT REGULATIONS, BY REVISING THE DEFINITION OF "SUBDIVISION;" ESTABLISHING SUBDIVISION APPLICATION, REVIEW, APPROVAL, PLATTING AND RECORDING PROCEDURES, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF HOLMES COUNTY, FLORIDA that:

SECTION I. Chapter X of the Holmes County Land Development Regulations are hereby amended pursuant to the attaché and incorporated herein revised Chapter X sections.

SECTION II. CONFLICTS

All ordinances or parts of ordinances in conflicts with the provisions of this ordinance are hereby repealed to the extent of such conflicts, with the Holmes County Land Development Regulations as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Land Development Regulations

SECTION III. SEVERABILITY.


If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV. EFFECTIVE DATE.


This Ordinance shall take effect upon its passage as provided by law.

PASSED by the Board of County Commissioners of Holmes County, Florida on the 19th day of December, 2006, after due public notice, by a vote of 5 to 0.

BY:


Raymon Thomas, Chairman

ATTEST:


Cody Taylor, Clerk

CHAPTER X

ADMINISTRATION AND ENFORCEMENT

10.00.00 GENERALLY

10.00.01 Purpose

This Chapter sets forth the application and review procedures required for obtaining development orders and certain types of permits. This Chapter also specifies the procedures for appealing decisions and enforcing provisions of this Code.

10.00.02 Withdrawal of Applications

An application for development review may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing. An application for any type of development review may be withdrawn at any time with the consent of the board responsible for reviewing the application.

10.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY

10.01.01 Generally

No development may be undertaken unless the activity is authorized by a development permit.

10.01.02 Prerequisites to Issuance of Development Permit

Except as provided in Section 10.01.03 below, a development permit may not be issued unless the proposed development activity is authorized by a Final Development Order issued pursuant to this Code.

10.01.03 Exceptions to Requirement of a Final Development Order

A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this Code. Unless otherwise specifically provided, the development activity shall conform to this Code.

A. Development activity necessary to implement a valid development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.

- B. The construction or alteration of a one-, two-, three- or four-family dwelling on a lot of record which is not part of a larger development. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use or the amount of impervious surface on the site.
- D. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.
- F. A Minor Replat granted pursuant to the procedures in Section 10.05.00.
- G. Temporary uses or structures except as provided in Section 10.07.04.
- H. Right-of-Way Use Permits.
- I. Construction of a non-residential structure less than 10,000 square feet.

10.01.04 Post-Permit Changes

After a Preliminary Development Order ~~of~~ or Final Development Order has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the Preliminary or Final Development Order without first obtaining a modification of the Preliminary or Final Development Order. A modification may be applied for in the same manner as the original Preliminary Development Order or Final Development Order. A written record of the modification shall be entered upon the original Preliminary Development Order or Final Development Order and maintained in the files of Holmes County.

10.02.00 PROCEDURE FOR REVIEW OF SITE DEVELOPMENT PLANS

10.02.01 Pre-Application Conference

Prior to filing for development plan review, the developer shall meet with the County to discuss the development review process. With the consent of the applicant the Planning Commission may waive the pre-application conference requirement if, in the Commission's opinion, the conference is unnecessary. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

10.02.02 Designation of Plans as Major or Minor Developments

A. Generally

For purposes of these review procedures, all development plans shall be designated by the County as either minor or major developments according to the criteria below. Before submitting a development plan for review, the developer shall provide the County with sufficient information to make this determination. The County's determination shall be supported by written findings.

B. Minor Development

A plan shall be designated as a minor development if it is:

- 1. Any division of land into more than two (2) parcels, ~~but less than twenty-five (25) parcels, lots, tracts, tiers, blocks, sites, units, or any other division of land which~~ constitutes a minor plat or replat that conforms to the requirements of Section 10.05.

A Minor Replat is the subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are not roadways, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Division of land among family members (Grandparents, Parents, Children and Grandchildren), where there are not roadways, drainage or other required improvements, and where the resultant lots comply with the Holmes County Comprehensive Plan and the standards of this Code, shall be excluded from the submittal and recordation requirements of this Code.

Minor plats and/or replats shall be reviewed and approved consistent with Section 10.05 of this Code.

- 2. Any multi-family residential development of less than ten(10) units, that does not involve platting, except for the construction of a single two-, three- or four family building.

- 3. Any non-residential use, including additions to existing structures greater than ten thousand (10,000) square feet, but less than twenty-five thousand (25,000) square feet, excluding those minor deviations within the limits described in Section 10.13.01.

C. Major Development

A plan shall be designated as a major development if it is:

1. Any division of land into ~~twenty-five (25) or more parcels~~ three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of real property. All subdivision plats must be reviewed, approved and recorded consistent with the provisions of this Code, Chapter 177, F.S. and the recording procedures of Holmes County, except as provided in section 10.05 of this Code.
2. Any multi-family residential development of ten (10) or more dwelling units.
3. More than twenty-five thousand (25,000) square feet of non-residential floor space.
4. Any development that, in the estimation of the County, should be more thoroughly considered and reviewed because of its location or potential for impact on public facilities, natural resources and public safety.

10.02.03 Application and Submittal Requirements

A. Application

Applications for development review shall be available at the County. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

B. Submittal Requirements Based on Development Plan Designation

A tiered approach shall be used in determining the information which must be submitted at the time of application. The greater the intensity of a project, based upon its designation as either minor or major, pursuant to the criteria in Section 10.02.02, the greater the amount of information required.

The following list describes the applicable submittal requirements for specific development plan:

1. General Plan Requirements.

These shall be mandatory for all development plans.

2. Minor Review Requirements.

These shall be mandatory for major and minor development plans.

3. Major Review Requirements.

These shall be mandatory only for major development plans.

4. Optional Review Requirements.

These may be required for the review of any development plan on a case-by-case basis at the discretion of the County when additional data is needed.

5. Environmentally Sensitive Area Requirements.

These shall be required for all developments which contain environmentally sensitive areas as identified in Article V, or at the discretion of the County.

C. General Plan Requirements

1. All plans shall be drawn to a scale of one (1) inch equals one hundred (100) feet, unless the ~~City~~ County determines that a different scale is sufficient or necessary for proper review of the proposal.
2. The plans shall be twenty-four (24) inches by thirty-six (36) inches in size. A three-quarter (3/4) inch margin shall be provided on all sides except for the left binding side where a two (2) inch margin shall be provided unless the County determines that a different size is sufficient or necessary for proper review of the proposal.
3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
4. The front cover sheet of each plan shall include:
 - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, municipal boundaries and/or other pertinent orientation information.
 - b. A complete legal description of the property.
 - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
 - d. Name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).
 - e. Each sheet shall contain a title block with the name of the development, stated and

graphic scale, a north arrow, and date.

f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).

g. The area of the property shown in square feet and acres.

5. Unless a format is specifically called for below, the information required may be presented textually, graphically or on a map, plan, aerial photograph or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

6. The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density) and also Floor Area Ratio (FAR) calculations shall be given.

7. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the Final Development Plan for recordation.

8. Documentation pursuant to Section 3.03.02 related to the review for concurrency.

9. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the County.

D. Minor Review Requirements

1. A map of vegetative cover indicating the location and identity by common or scientific name of all protected trees. Groups of protected trees may be designated as "clusters" with the estimated total number of trees noted. This information shall be summarized in tabular form on the plan.

2. Location, names and widths of existing and proposed streets, highways, easements, buildings lines, alleys, parks and other public spaces and similar facts regarding adjacent property.

3. Proposed Development Activities and Design

a. Generally

(1) Area and percentage of total site area to be covered by an impervious surface.

(2) Grading plans specifically including perimeter grading.

(3) Construction phase lines.

b. Buildings and Other Structures

(1) Building plan showing the location, dimensions, gross floor area and proposed use of buildings.

(2) Architectural or engineering elevations of all sides of all buildings larger than a one or two-family dwelling unit.

(3) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.

(4) Minimum flood elevations of buildings within any 100-year floodplain.

c. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.

d. Streets, parking and loading

(1) The layout of all streets, bike paths and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.

(2) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications) and projected on-site traffic flow.

(3) The location of all exterior lighting.

(4) The location and specifications of any proposed garbage dumpsters.

(5) Cross sections and specifications of all proposed pavement in conformance with Section 5.04.04.

(6) Typical and special roadway and drainage sections and summary of quantities.

e. Tree removal and protection

(1) All protected trees to be removed and a statement of why they are to be removed.

(2) Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.

(3) A statement of the measures to be taken to protect the trees to be retained.

(4) A statement of tree relocations and replacements proposed.

f. Landscaping

(1) Location and dimensions of proposed buffer zones and landscaped areas.

(2) Description of plant materials existing and to be planted in buffer zones and landscaped areas.

4. Signs

a. Three blueprints or ink drawings of the plans and specifications of regulated signs and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the County. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by the County. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.

b. For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:

(1) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.

(2) All protected trees that will be damaged or removed for the construction and display of the sign.

c. For regulated building signs, a plan, sketch, blueprint blue line print or similar presentation drawn to scale which indicates clearly:

(1) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.

(2) The number, size, type and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.

(3) A building elevation or other documentation indicating the building dimensions.

5. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations and the like.

6. Location of on-site wells and wells within one-thousand (1,000) feet of any property line, exceeding one-hundred thousand (100,000) gallons per day.

7. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.

8. Number, height and type of residential units.

9. Floor area, height and types of office, commercial, industrial and other proposed uses.

E. Major Review Requirements

1. Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as any additional unit or section by the same developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type including the words "section," "unit," "replat," "amended" and the like. The name of the development shall be indicated on every page.

2. A Master Plan is required for a Major Development which is to be developed in phases. A Master Plan shall provide the following information for the entire development:

a. A development plan for the first phase or phases for which approval is sought.

b. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.

c. Total land area and approximate location and amount of open space included in each residential, office, commercial and industrial area.

d. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.

e. Approximate location and acreage of any proposed public uses such as parks, school sites and similar public or semi-public uses.

f. A vicinity map of the area within three hundred (300) feet surrounding the site

showing:

- (1) Land use designations and boundaries.
- (2) Traffic circulation systems.
- (3) Major public facilities.
- (4) Municipal boundary lines.

g. Base flood elevations for all lots.

F. Optional Review Requirements

1. A soils map of the site (existing U.S. Soil Conservation Service maps are acceptable).
2. A topographic map of the site clearly showing the location, identification and elevation of bench marks, including at least one bench mark for each major water control structure.
3. A detailed overall project area map showing existing hydrography and runoff patterns and the size, location, topography and land use of any off-site areas that drain onto, through or from the project area.
4. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonably high water-table elevations and attendant drainage areas for each.
5. A map showing the locations of any soil borings or percolation tests.
6. A depiction of the site and all land within four hundred (400) feet of any property line of the site, showing the locations of environmentally sensitive areas.
7. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.
8. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year flood plain for all parts of the proposed development.
9. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through or around the project.
10. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of the development at which they will be put into place or used, and maintenance provisions.

11. A description of the proposed stormwater management system, including:
 - a. Channel, direction, flow rate and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.
 - b. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans and predictions of surface water quality changes.
 - c. Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
 - d. Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths and water-surface elevations or hydrographs.
 - e. Linkages with existing or planned stormwater management systems.
 - f. On- and off-site rights-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the Stormwater Management System.
 - g. The entity or agency responsible for the operation and maintenance of the Stormwater Management System.
12. The location of off-site water resource facilities such as works, surface water management systems, wells or well fields that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.
13. Runoff calculations.
14. Amount of each area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.

G. Environmentally Sensitive Area Requirements

1. The exact sites and specifications for all proposed drainage, filling, grading, dredging and vegetation removal activities including estimated quantities of excavation or fill materials computed from gross sections, proposed within an environmentally sensitive area.
2. Detailed statement or other materials showing the following:
 - a. The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.

b. The distances between development activities and the boundaries of the environmentally sensitive area.

c. The manner in which habitats of endangered and threatened species are protected.

10.02.04 Review of Major Developments

A. Procedure

1. The applicant shall submit the major development plan and supporting documentation, pursuant to Section 10.02.03, to the County.

2. After receipt of the above, the County shall have thirty (30) days to:

a. Determine that the application is complete and proceed with the review; or

b. Determine that the application is incomplete and inform the applicant by certified mail, return receipt requested, of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within forty-five (45) days of receipt of the letter of incompleteness, to proceed with the review.

3. The County shall then route the application to members of the Planning Commission and any applicable agencies within five (5) days (NOTE: All development applications for development within the corporate limits of the Towns of Esto, Noma, Ponce de Leon or Westville must be forwarded to said towns for review and comment) and review the major development plan for compliance with this Code and other applicable rules and regulations within thirty (30) days.

4. At the next regular meeting after the completion of the review, the Chairman of the Planning Commission or his designee shall convene a meeting of the Planning Commission to review the application. The results of the Planning Commission meeting shall be transmitted to the applicant, in writing, certified receipt requested. The applicant shall have forty-five (45) days from the receipt of the Planning Commission comments to respond to them.

5. Within forty-five (45) days of the receipt of any revisions to the application pursuant to the Planning Commission's comments, the Commission shall have an additional thirty (30) days to review the revised application and issue a recommendation approving, approving with conditions or denying the application based upon the requirements of this Code.

6. The Planning Commission shall consider the application at a regularly scheduled public hearing which has been noticed pursuant to the requirements of Section 10.02.09. In reviewing the application, the Planning Commission shall consider the recommendation of the County Building Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The

Planning Commission shall approve, approve with conditions or deny the application. The decision on the application shall be forwarded to the Board of County Commissioners for final action.

7. The Board of County Commissioners shall consider the application at a regularly scheduled public hearing which has been noticed pursuant to the requirements in Section 10.02.08. In reviewing the application, the Board shall consider the recommendations of the Planning Commission and shall determine whether the proposed development specified in the application meets the provisions of this Code. The County Commissioners shall approve, approve with conditions or deny the application.

8. Notification of the Board of County Commissioners decision shall be mailed to the applicant and filed with the County.

B. Expiration

A development permit for a major development shall be valid for a period of one (1) year and may be renewed for a cumulative period not to exceed one (1) year subject to the provisions of Section 3.01.03, Expiration of Certificate of Concurrency.

10.02.05 Review of Minor Developments

A. Procedure

1. The applicant shall submit the minor development plan and supporting documentation pursuant to Section 10.02.03 to the County.

2. After receipt of the above, the County shall have thirty (30) working days to:

- a. Determine that the application is complete and proceed with the review; or
- b. Determine that the application is incomplete and inform the applicant by certified mail, return receipt requested, of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within forty-five (45) days of receipt of the letter of incompleteness, to proceed with the review.

3. The County shall then route the application to the Planning Commission and any outside review agencies within five (5) days (NOTE: All development applications for development within the corporate limits of the Towns of Esto, Noma, Ponce de Leon and Westville must be forwarded to said towns for review and comment), and review the major development plan for compliance with this Code within thirty (30) days.

4. At the next regular meeting after the completion of the review, the Chairman of the Planning Commission or his designee shall convene a meeting of the Planning Commission to review the application. The results of the Planning Council meeting shall be transmitted to the applicant in writing, certified receipt requested. The applicant shall

have forty-five (45) days from the receipt of the Planning Council comments to respond to them.

5. Within three (3) days of the completion of the review, the Planning Commission shall issue a finding approving, approving with conditions or denying the application based upon the comments of the County and the requirements of this Code.

6. Notification of the Planning Commission's decision shall be mailed to the applicant and filed with the County.

7. For ~~any division of land into 10-24 parcels; or~~ any multi-family residential development of 4-10 units that does not involve platting; or any non-residential use, including additions to existing structures of at least 5,000 square feet, but less than 10,000 square feet, excluding those minor deviations within the limits described in Section 10.13.01, the procedures of Section 10.02.04 A.6. shall be followed, except that the decision of the Board of County Commissioners shall be the final action subject to the appeal provisions of this Chapter.

8. Notification of the Planning Commission's decision shall be mailed to the applicant and filed with the County.

B. Expiration

A development permit for a minor development shall be valid for a period of one (1) year and may be renewed only once for a period not to exceed one (1) year subject to the provisions of Section 3.01.03, Expiration of Certificate of Concurrency.

10.02.06 Intergovernmental Review

Should a proposed development impact adjacent jurisdictions, as determined by the Planning Commission, the impacted jurisdictions will be notified in writing of the proposed development and given an opportunity to identify specific issues of concern. Such correspondence shall be submitted, along with the Planning Commission's recommendation, to the Board of County Commissioners.

10.02.07 Project Phasing

A Master Plan for the entire development site must be approved for a major development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the site development plan for the first phase of the development and must be approved prior to approval of the site development plan for the first phase. A site development plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share

of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

10.02.08 Notice Requirements

Notice of all public hearings which are required by a provision of this Code shall be given as follows, unless expressly stated otherwise:

A. Content of Notice

Every required notice shall include: the date, time and place of the hearing; a description of the substance of the subject matter that will be discussed at the hearing; a legal description of the properties directly affected including the street address when available; a statement of the body conducting the hearing; a brief statement of what action the body conducting the hearing may be authorized to take; and a statement that the hearing may be continued from time to time as may be necessary. Notices for public hearings before the Planning Commission on amendments to the Future Land Use Map shall also contain a geographic location map which clearly indicates the area covered by the proposed amendment. The map shall include major street names as a means of identification of the area.

B. Publication

Publication of the notice shall be as follows:

1. Generally

Except as provided in paragraphs 2 and 3 below, notice of all public hearings and appeals from a decision, order, requirement or determination of an administrative officer or board of the ~~City~~ County shall be properly advertised in a newspaper of general circulation not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing, excluding Sundays and legal holidays.

2. Amendments to the Holmes County Comprehensive Plan

Notice pursuant to the adoption of amendments to the Holmes County Comprehensive Plan shall be given pursuant to Chapter 163.3184 through 163.3187, F.S

3. Amendments to the Text of this Code

Any amendment to the text of this Code shall require public hearing and publication of notice as follows:

- a. The Board of County Commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5 PM on a weekday, and the first shall be held approximately seven (7) days after the day that the first

advertisement is published. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing. The date, time and place at which the second public hearing will be held shall be announced at the first public hearing.

C. Public Inspection

A copy of the notice of public hearing shall be available in the Holmes County Court House during regular business hours.

D. Mail

Mailing notice shall be made to specific real property owners within five hundred (500) feet of the property directly affected by the proposed action and whose address is known by reference to the latest approved ad valorem tax roll.

E. Posting of Notice

After an application has been filed, the County shall cause a sign or signs to be posted on the property concerned. The sign or signs shall be located where, in the judgment of the County, the sign or signs would be in the most conspicuous place to the passing public. Each sign shall contain the following information:

1. Present land use classification;
2. Date, Time and Place of the scheduled hearing;
3. Proposed action; and
4. Any other pertinent information.

10.02.09 Public Hearings

A. Setting the Hearing

When the County determines that an application for an amendment to the list of applications requiring public hearing to be provided, the County shall notify the appropriate decision making body so a public hearing may be set and notice given in accordance with the provisions of this Code.

B. Examination and Copying of Application and Other Documents

Any time after the provision of notice, as required by this Code in Section 10.02.08, any person may examine the application or petition in question, and the material submitted in support or opposition to the application or petition in Holmes County during regular business hours. Any person shall be entitled to obtain copies of the application or petition

and other materials upon reasonable request and payment of a fee to cover the actual costs of providing such copies.

C. Conduct of the Hearing

Public Hearings shall be conducted in the following manner:

- 1. Any person may appear at a public hearing, or may be represented by counsel or agent, and may submit documents, materials and other written or oral testimony either individually or as a representative of an organization. Each person who appears at a public hearing shall identify himself, his address and state the name and mailing address of any organization he represents. The body conducting the public hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials.
- 2. The body conducting the hearing may continue the hearing to a fixed date, time and place.

D. Record of the Hearing

- 1. The transcript of testimony, when and if available, the minutes of the Secretary, all applications, exhibits, documents, materials and papers submitted in any proceeding before the decision-making body, the report of the Planning Commission and the decision and report of the decision-making body shall constitute the record.
- 2. The body conducting the hearing shall record the proceedings by any appropriate means; upon request of any person to the Clerk and payment of a fee to cover the cost of transcription, the record may be transcribed and a copy provided to that person.
- 3. Any person shall be entitled to examine the record, at a reasonable time, or make copies at his own expense, at the County Courthouse.

E. Action by Decision-Making Body

The decision making body shall render its decision within forty-five (45) days, unless state otherwise in this Code.

F. Notification

Notification of the final decision on an application shall be mailed to all parties. A copy of the final decision shall be filed in the County Courthouse.

10.02.10 Required Contents of Development Orders

A. Preliminary Development Order

A preliminary development order shall contain the following:

1. An approved preliminary development order (may be subject to conditions and modifications) with findings and conclusions.
2. A listing of conditions that must be met, and modifications to the preliminary development plan that must be made, in order for a final development order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly.
3. A listing of federal, state and regional permits that must be obtained in order for a final development order to be issued.
4. With regard to the concurrency management requirements in Chapter III:
 1. The determination of concurrency.
 - b. The time period for which the preliminary order is valid.

B. Final Development Order

A final development order shall contain the following:

- a. A determination that, where one was required, a valid preliminary development order exists for the requested development.
2. An approved final development plan with findings and conclusions.
3. A determination that all conditions of the preliminary development order have been met.
4. If modifications must be made to the development plan before a final development order may be issued, a listing of those modifications and the time limit for submitting a modified plan.
5. A specific time period during which the development order is valid and during which time development shall commence. A final development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.

10.02.11 Guarantees and Sureties

A. Applicability

1. The provisions of this Section apply to all proposed developments in Holmes County and its municipalities, including private road subdivisions.

2. Nothing in this Section shall be construed as relieving a developer of any requirement relating to concurrency in Chapter III of this Code.

3. This Section does not modify existing agreements between a developer and the City County for subdivisions platted and final development orders granted prior to April 1, 1991, providing such agreements are current as to all conditions and terms thereof.

B. Improvements Agreements Required

The approval of any development plan shall be subject to the developer providing assurance that all required improvements including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines and replacement trees shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

- 1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
- 2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty percent (30%) occupancy of the development, whichever comes first.
- 3. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
 - a. Estimate prepared and provided by the applicant's engineer.
 - b. A copy of the executed construction contract provided.
- 4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
- 5. Agreement that upon failure of the applicant to make the required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement.
- 6. Provision of the amount and type of security provided to ensure performance.
- 7. Provision that the amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection and acceptance of improvements by the County.

C. Amount and Type of Security

1. Security requirements may be met but are not limited to the following:

- a. Cashiers check
- b. Certified check
- c. Developer/Lender/City County Agreement
- d. Interest Bearing Certificate of Deposit
- e. Irrevocable Letters of Credit
- f. Surety Bond

2. The amount of security shall be one hundred and ten (110) percent of the total construction costs for the required developer-installed improvements. The amount of security may be reduced by the County Commissioners commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than one hundred and ten (110) percent of the cost of completing the remaining required improvements.

3. Standard forms are available from the County Clerk's office and approved by the Board of County Commissioners.

D. Completion of Improvements

1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the County. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one (1) copy of all test results.

2. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirement in Section 10.02.11(C.) (2.) above.

E. Maintenance of Improvements

1. A maintenance agreement and security shall be provided to assure the County that all required improvements shall be maintained by the developer according to the following requirements:

- a. The period of maintenance shall be a minimum of three (3) years.
- b. The maintenance period shall begin with the acceptance by the County of the construction of the improvements.

c. The security shall be in the amount of fifteen (15) percent of the construction cost of the improvements.

d. The original agreement shall be maintained by the County.

2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

a. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, F.S., common facilities and property shall be conveyed to the condominium's association pursuant to that law.

b. When no condominium is so organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that association.

c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the County Attorney.

3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the County shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the County.

10.03.00 ADDITIONAL REQUIREMENTS FOR SUBDIVISIONS

10.03.01 Generally

Where proposed minor or major development includes the subdivision of land into two or more parcels, ~~any one of which is 2.5 acres or less~~, the final approval of the development plan by the County shall be made contingent upon approval by the Board of County Commissioners of a plat conforming to the development plan and the provisions of this Section. All subdivision plats must be reviewed, approved and recorded consistent with the provisions of this Code, Chapter 177, F.S. and the recording procedures of Holmes County, except as provided in section 10.05 of this Code.

10.03.02 Filing with the Planning Commission

After receiving plat-contingent final development plan approval, the developer shall submit to the Planning Commission a plat conforming to the development plan and the requirements of Chapter 177, F.S. Alternatively, the developer may submit a plat at any point in the development review process.

10.03.03 Review by the Planning Commission

The Planning Commission shall, within thirty (30) days of receiving the plat, determine whether the plat conforms to the approved development plan and the requirements of Chapter 177, F.S. If the Planning Commission determines that the plat so conforms, it shall place the plat on the next available agenda of the Planning Commission allowing for required notice pursuant to Section 10.02.08. If it does not conform, the Planning Commission shall explain the deficiency in the plat to the developer and inform him that a corrected plat may be resubmitted for approval.

10.03.04 Review by Board of County Commissioners

Review of the plat by the Board of County Commissioners shall be strictly limited to whether the plat conforms to the requirements of the Holmes County Comprehensive plan, this Code and Chapter 177, F.S. A conforming plat shall be approved and after the plat is duly recorded, the County Commissioners shall forthwith issue the development order allowing development to proceed. The County Commissioners shall return the nonconforming plats to the developer with an explanation of deficiencies and a notice that a correct plat may be resubmitted for approval.

10.04.00 DEDICATION AND OTHER DISPOSITION OF RIGHT-OF-WAY AND COMMON LANDS

10.04.01 Acceptance by Planning Commission

Approval of subdivision plans and plats by the Planning Commission shall not constitute or effect an acceptance of the dedication of any street or any other ground shown upon the plat. The authority to accept dedications of land for whatsoever purpose shall be exercised exclusively by the Board of County Commissioners.

10.05.00 MINOR REPLATS AND LOT SPLITS

10.05.01 Review by the Board of County Commissioners

A. Generally

The Board of County Commissioners may approve a minor plat or replat that conforms to the requirements of this Section. A Minor Replat is the subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are not roadways, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Division of land among family members (Grandparents, Parents, Children and Grandchildren), where there are not roadways, drainage or other required improvements,

and where the resultant lots comply with the Holmes County Comprehensive Plan and the standards of this Code. shall be excluded from the submittal and recordation requirements of this Section.

B. Submittals

The Board of County Commissioners shall consider a proposed minor replat upon the submittal of the following materials:

1. An application form provided by the County;
2. Three (3) paper copies of the proposed minor replat;
3. A statement indicating whether water and/or sanitary sewer service is available to the property; and
4. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the State of Florida. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.

C. Review Procedure

1. The Board of County Commissioners shall transmit a copy of the proposed minor replat to any other appropriate departments of the County for review and comments.
2. If the proposed minor replat meets the conditions of this Section and otherwise complies with all applicable laws and ordinances, the Board of County Commissioners shall approve the minor replat by signing the application form. This shall constitute the Final Development Order needed for this development

D. Recordation

Upon approval of the minor replat, the developer shall record the replat on the appropriate maps and documents, and shall, at the developer's expense, record the replat in the Official Records of Holmes County.

10.05.02 Standards and Restrictions

A. Standards

All minor replats shall conform to the following standards:

1. Each proposed lot must conform to the requirements of this Code.

2. Each lot shall abut a public or private street (except as hereinafter provided) for the required minimum lot dimensions for the land use district where the lots are located.

3. If any lot abuts a street right-of-way that does not conform to the design specification provided in, or adopted by reference in, this Code, the owner may be required to dedicate one-half (1/2) the required right-of-way width necessary to meet the minimum design standards.

B. Restriction

No further division of an approved minor replat is permitted under this Section, unless a development plan is prepared and submitted in accordance with this Chapter.