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ORDINANCE NO. 80-5

AN ORDINANCE REGULATING SUB-DIVISIONS IN HOLMES COUNTY, TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY, COMFORT, ECONOMY, ORDER, APPEARANCE, CONVENIENCE, AND GENERAL WELFARE, AND PROVIDING FOR ORDERLY AND PROGRESSIVE DEVELOPMENT OF LAND WITH IN THE UNINCORPORATED BOUNDARIES OF HOLMES COUNTY, FLORIDA: PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA:

Section 1. That the Holmes County Sub-Division Regulations, as previously approved by the Board of County Commissioners, is hereby adopted.

Section 2. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be prosecuted by the prosecuting officer in Holmes County, Florida, having authority to prosecute misdemeanors.

Section 3. This Ordinance shall take effect upon receipt of official acknowledgement from the office of the Secretary of State of the State of Florida that said Ordinance has been filed in said office.

- I. Purposes and Intent
- II. Authority and Jurisdiction
- III. Definitions
- IV. Procedure for Plat Approval
- V. Requirements
- VI. Administration

SUBDIVISION REGULATIONS

HOLMES COUNTY

ARTICLE I - PURPOSED AND INTENTSection 1 - Purpose

To promote and protect the public health, safety, comfort, economy, order, appearance, convenience, and general welfare requires the harmonious, orderly and progressive development of land within the unincorporated boundaries of Holmes County, Florida. In furtherance of this general purpose, the County is authorized by Chapter 125, Florida Statutes.

Section 2 - Intent

The regulation of the subdivision of land is intended:

- 2.1 To aid in the coordination of land development in the unincorporated areas of the county in accordance with orderly yet physical patterns.
- 2.2 To maintain and protect the local economy and natural resources.
- 2.3 To discourage haphazard, premature, uneconomic or scattered land development.
- 2.4 To insure safe and convenient traffic control.
- 2.5 To encourage development and maintenance of economically stable and healthful communities.
- 2.6 To insure adequate utilities.
- 2.7 To prevent periodic and seasonal flooding by providing protective flood control and drainage facilities.
- 2.8 To provide public open spaces for public recreation.
- 2.9 To insure land subdivision with installation of adequate and necessary physical improvements.
- 2.10 To insure that the citizens and taxpayers of the county will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of adequate and necessary physical improvements.

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- 2.11 To insure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.
- 2.12 To serve as a tool for the implementation of the County Comprehensive Planning Program.

ARTICLE II - AUTHORITY AND JURISDICTION

Section 1 - Citation

This Ordinance shall be known, referred to and cited as "Land Subdivision Regulations".

Section 2 - Adoption

Under the authority of Chapters 125 and 177 of the Florida Statutes, the Holmes County Commission at its regular meeting on _____ adopted this ordinance.

Section 3 - Jurisdiction

The area subject to these regulations shall be all of Holmes County, except incorporated areas.

ARTICLE III - DEFINITIONS

Section 1 - General Definitions

Except as otherwise provided herein, all words shall have the customary dictionary meaning, the present tense includes the future tense, the singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, partnership. The word "building" includes "structure". The word "shall" is mandatory. The word "may" is permissive.

Section 2 - Specific Definitions

When used in these regulations, the following words and phrases shall have the meaning given in this section:

- 2.1 Subdivision shall mean the division of a parcel of land whether improved or unimproved, into three or more contiguous lots or parcels of land, except when the division results from inheritance or deed of gift and requires no public road, utilities and/or facilities. The term includes resubdivision and when appropriate to the context,

relates to the process of subdividing or to the land or territory subdivided.

- 2.2 Board of County Commissioners shall mean the Board of County Commissioners of Holmes County, Florida.
- 2.3 Clerks means Clerk of Circuit Court.
- 2.4 Planning Commission shall mean the Holmes County Planning Commission.

ARTICLE IV - PROCEDURE FOR PLAT APPROVAL

Section 1 - Preliminary Plat Approval

- 1.1 To prevent undue hardship on the subdivider through possible required plat revisions, a preliminary plat of the proposed subdivision at a scale not smaller than one hundred (100) feet to the inch shall be submitted giving the following information:
- (a) The subdivision name, the names and addresses of the owners, the designer of the plat, and total acreage to be subdivided.
 - (b) Date, north point, and a graphic scale.
 - (c) The location of existing and platted property lines, roads and streets, buildings, water courses, railroads, sewers, bridges, culverts, drainpipes, water mains, and any other public utility easements, both on the land subdivided and on the adjoining land; the names of adjacent subdivisions and the names and addresses of record owners of contiguous parcels of land as they appear on the current tax records.
 - (d) The names, locations, widths, and other dimensions of proposed streets, alleys, easements, lot lines, building and set back lines, and bridges.
 - (e) Topography of the entire plat showing contour lines of not more than two-foot intervals to show the relief of the land to be subdivided, except for areas whose slope is so minimal that the Planning Commission may require one-foot contour lines.

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- (f) Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical.
 - (g) Preliminary sketch plans of proposed utility layouts (sewer, water, electricity, and gas) showing feasible connections to existing and proposed utility systems, together with evidence of how proposed demands are to be satisfied. Where no sanitary sewer is available, evidence from the Holmes County Health Department that septic tanks will be permitted upon all proposed lots under existing standards must be submitted.
 - (h) The proposed subdivision shall be accompanied by a plan indicating the proposed use of the lots.
 - (i) General soil maps with tables of interpretations.
 - (j) Proposed drainage plan, including ultimate destinations of flow and storm drainage systems and retention area.
 - (k) Map showing any lands within the 100 year flood-prone area as defined by U.S. Geological Service.
 - (l) A study, where development of 10 or more residential sites are proposed, indicating that there exists a need for the proposed sites for residential use within 10 years.
 - (m) Map showing lands to be reserved or dedicated for public uses, including schools, parks, open spaces, roads, and utilities.
 - (n) A legal description of the proposed subdivision.
 - (o) Such other information deemed necessary by the Planning Commission for proper implementation of this Ordinance.

1.2 The subdivider shall prepare and submit to the Clerk of Circuit Court, at least fourteen (14) days prior to the regular monthly meeting of the Planning Commission, two

(2) copies of the preliminary plats of the total land ultimately to be subdivided. At the first regular meeting of the Planning Commission following the submission of the preliminary plats for approval the Commission shall schedule a meeting within sixty-two (62) days for consideration of the preliminary plat. The Planning Commission shall notify the subdivider of the scheduled place, date, time, and agenda for the meeting.

- 1.3 To defray the cost of filing said application, notifying interested parties, investigations and holding a hearing upon the preliminary plat, a fee of \$100 shall be paid to the Clerk of Circuit Court at the time of filing the application plus an additional .50¢ per lot.
- 1.4 The Planning Commission, in its review, may transmit a copy of the proposed application for preliminary plat approval to all appropriate county or municipal departments and the Apalachee Regional Planning Council for review and recommendations. The Planning Commission shall approve, with conditions, or disapprove the application for preliminary plat approval. If the application for preliminary approval is disapproved, the Commission shall state in writing its reasons for disapproval. The approval of the preliminary plat shall not be deemed final acceptance rather an expression of approval of the layout as submitted on the preliminary plat; such approval shall not be noted on the preliminary plat. One copy of the preliminary plat shall be retained in the Planning Commission files.
- 1.5 Preliminary approval shall expire and be of no further effect twelve (12) months from the date of the preliminary approval.

Section 2 - Final Plat Approval

- 2.1 The final plat shall be submitted to the Planning Commission in triplicate, of which one set shall be the original or other permanent reproducible drawings, and unless this is done within twelve months of the Planning

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Commission's approval of the preliminary plat, such approval shall lapse. The final plat shall be submitted to the Clerk of Circuit Court at least fifteen (15) days prior to the regular monthly meeting of the Planning Commission. At the first regular meeting of the Planning Commission following, the submission of the final plat for approval, the Commission shall schedule a public hearing within forty (40) days for consideration of the final plat. The Planning Commission shall notify the subdivider and the public of the scheduled place, date, and time, and agenda of the hearing as defined in Florida Statute 163.270 (1) and due public notice shall be given as defined in Florida Statute 163.170 (3). Failure of the Planning Commission to approve or disapprove the final plat within thirty-two (32) days after the hearing shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Commission and a letter transmitted to the subdivider stating the reasons for such disapproval.

- 2.2 The final plat shall be drawn on a permanent medium at a scale of one hundred (100) feet to one (1) inch or larger. Where necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following:
- (a) Primary control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - (b) Tract boundary line, right-of-way lines of streets; easements and other rights-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii arcs, and central angles of all curves.
 - (c) Names and right-of-way width of each street or other right-of-way.

- (d) Location, dimensions and purpose of any easements.
- (e) Number to identify lot or site.
- (f) Purpose for which sites, other than residential lots are dedicated or reserved.
- (g) Minimum building setback line on all lots and other sites.
- (h) Location and description of monuments.
- (i) Names of record owners of adjoining unplatted land.
- (j) Reference to recorded subdivision plats or adjoining platted land by recorded name, date, and number.
- (k) Certification by surveyor or engineer certifying to accuracy of survey and plat.
- (l) Certification of title showing that applicant is the land owner.
- (m) Statement by owner dedicating streets, rights-of-way and sites for public uses.
- (n) Title, scale, north point, and date.
- (o) Certificate of approval by the Planning Commission.
- (p) Certificate for recording by the Clerk of Circuit Court.
- (q) A statement of review by the Apalachee Regional Planning Council, when requested by County Commissioners.
- (r) In addition to the above requirement, all requirements found in Chapter 177.091, Florida Statutes shall be included in the application for final approval.
- (s) Location map and legal description.

2.3 The Planning Commission shall not approve the final plat unless they receive the following:

- (a) A certificate from the County Engineer or a licensed civil engineer selected by the County Commission, that all improvements have been installed in accord with these regulations and with the action of the Planning Commission giving conditional approval of the preliminary plat, or

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(b) A certificate from the Clerk of Circuit Court that a bond has been posted, available to the County and in the amount of 110% of the estimated cost of development, cash or recognized surety certified by the County Engineer or a licensed civil engineer selected by the County Commission, to assure the completion of the required improvements. When the work has been completed satisfactorily as approved by a licensed civil engineer which has been selected by the County Commission, the County Commission shall release ninety (90) percent of the fund bond with a letter of approval to the subdivider. Ten (10) percent shall remain in escrow for maintenance purposes. The maintenance period shall begin immediately following final inspection by a licensed civil engineer selected by the County Commission, and shall last one year from that date. The remaining ten (10) percent of the escrow fund shall be released to the subdivider upon final inspection by the County Engineer or a licensed Civil Engineer selected by the County Commission.

(c) When application is made for final plat approval, the subdivider shall pay:

See schedule below:

\$100 for subdivision containing less than twenty-five (25) lots; for subdivisions containing more than twenty-five (25) lots the fee shall be \$100 for the first twenty-five lots, plus \$2.00 per lot for each additional lot, and all required engineering cost.

2.4 Upon approval of the final plat by the Planning Commission the plat will be transmitted to the County Commission for their formal approval. In the event the subdivision is a development of regional impact, as defined in Chapter 22F, Florida Administrative Code, formal plat approval shall be given in accordance with Chapter 380, Florida Statutes.

- 2.5 Upon approval of the plat one permanent copy of the reproducible drawings shall be retained in the file of the Clerk of Circuit Court; and one copy retained in the files of the Planning Commission.
- 2.6 Approval of subdivision plats by the Planning Commission shall not constitute an acceptance of the dedication of any street or any other land or improvement shown upon the plat. The authority to accept such dedication for whatsoever purpose shall be exercised exclusively by the County Commission. The developer shall be responsible for the maintenance of the roads during all phases of construction and for a period of one (1) year after acceptance of the dedication by the County.

Section 3 - Taxes

Before any plat shall be recorded, all payable taxes on the land shall be paid, all tax sales against the land shall be redeemed and sufficient assurance of a bond in the amount of last years taxes shall be made to the County Commission that the taxes against the land for the current year will be paid.

Section 4 - Replatting

Nothing herein contained shall be deemed to prevent a replatting of platted lands and the recording of a plat thereof, if the same be accomplished in accordance with this ordinance, and the laws of Florida.

ARTICLE V - REQUIREMENTS

Section 1 - Conformity to County Plan

All proposed subdivisions shall conform to adopted County Comprehensive Plans.

Section 2 - General Design Standards

- 2.1 Land shall be suited for the purpose to which it is to be subdivided.
- 2.2 The result of subdividing land shall be consistent with the purposes and intent of these regulations.
- 2.3 Land subject to periodic flooding or other hazards to human life, health and safety shall not be subdivided,

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such as a garbage dump, land fill, close proximity to an airport, a toxic chemical manufacturer or storage. Natural storm water retention areas and areas subject to poor drainage or erosion shall not be altered through the use of land fill operations. Other lands within a subdivision may be brought to minimum elevations. The type of fill shall meet standards as set forth by the County Engineer or engineer selected by the County Commission. Soil tests of fill and underlying material shall be required in areas in which streets or other public facilities are to be located. The fill for the balance of the subdivision may be certified by an engineer as to type and method of placement according to our Comprehensive Plan map area.

Section 3 - Streets

- 3.1 Relation to Adjoining Street System. Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the Planning Commission for reasons of topography, or design where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property. Half streets or half alleys along the boundary of land proposed for subdivision will not be permitted.
- 3.2 Street widths. The minimum width of proposed streets measured from lot line to lot line, shall be shown on the Major Street Plan. A major street plan shall be provided by the developer. If not shown on such plan, the widths shall be not less than one hundred (100) feet for Arterial Streets, eighty (80) feet for Collector Streets, and sixty (60) feet for other streets. Alleys serving business lots shall not be less than twenty (20) feet wide.

- 3.3 Conformance to Topographic Conditions and Street Grades. In general, streets shall be planned to conform to existing topographic conditions. The maximum grade on Major Streets shall be five (5) percent. The maximum grade on all other streets may not exceed eight (8) percent except where, in the opinion of the Planning Commission, the best subdivision is thereby secured. Street grades along the gutter shall not be less than one half of one percent. All Residential Streets shall have a minimum pavement width of twenty (20) feet.
- 3.4 Street Intersections. Insofar as practical, acute angles at intersections shall be avoided. Where an acute angle of less than seventy-five (75) degrees occurs between streets at their intersection, the Planning Commission may require the property lines to be rounded or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width. Submission of a grading plan showing existing and proposed contours at one (1) foot intervals and a detailed design for the intersection may be required by the Planning Commission. Unaligned intersections shall be separated by a minimum of one hundred and twenty-five (125) feet between center lines.
- 3.5 Curves in Streets. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonable long radius shall be introduced. On all streets except local service streets, the center line radius of curvature shall not be less than one hundred (100) feet.
- 3.6 Dead End Streets. Streets designed to have one end permanently closed (cul de sac) shall be provided at the closed end with a turnaround with a minimum right-of-way radius of fifty (50) feet, and a minimum driving surface radius of forty (40) feet. A "cul de sac" shall not be more than six hundred (600) feet in length unless approved by the Planning Commission for specific reasons of topography or design.

3.7 Street Names. Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets. In no case shall the names for the proposed streets duplicate existing street names irrespective of the suffix used.

3.8 Alleys. Alleys shall be provided along the rear of all lots to be used for business.

3.9 Street Improvements.

(a) Streets. Streets and alleys shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed in the standard specifications for road construction by the County Engineer and/or the Board of County Commissioners, minimum requirements as follows:

Roadway Surfacing and Paving. All streets shall be constructed according to the following minimum specification as set forth in the Florida Department of Transportation Publication Standard Specifications for Road and Bridge Construction, Latest Edition.

(i) Pavement Surface. One of the following pavement surfaces shall be utilized for subdivisions containing lots less than two and a half acres:

	<u>TYPE</u>	<u>MINIMUM THICKNESS</u>
1)	Asphalt Concrete Wearing Course	1"
2)	Type II Surface Treatment	1"
3)	Type II Asphalt Concrete	1"

(ii) Pavement Base. The pavement bases, not including the surfaces courses, shall be one of the following base materials and thickness:

	<u>TYPE</u>	<u>MINIMUM THICKNESS</u>
1)	Sand Asphalt	6" (Recommended for wet areas)
2)	Sand Clay	6" (Recommended for dry areas)
3)	Soil Cement	6" (Recommended for wet areas)

- (iii) Pavement Sub-Base. The type and thickness of the sub-base shall be constructed to the standard specifications of Holmes County.
- (b) The developer shall furnish curbs and gutters whenever subsurface drainage systems are used. When such is the case, the design criteria for curbs and gutters must be approved by the County Engineer.
- (c) Street Signs. Street name signs shall be installed at all street intersections. Street names as well as the design and placement of such signs shall be subject to approval by the Board of County Commissioners.
- (d) All roads paved or unpaved are to be constructed to the standard specifications of Holmes County for road and bridge construction.

Section 4 - Block and Lots

Blocks shall not be more than twelve hundred (1200) feet in length. In blocks over eight hundred (800) feet in length, the Planning Commission may require one or more public crosswalks with not less than ten (10) foot right-of-way.

4.1 Lot Arrangements. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a street which is not less than sixty (60) feet in width and which is connected with the public street system.

4.2 Minimum Lot Size. Within the subdivision jurisdiction limits of the County:

- (a) Lots shall conform to the zoning regulations that are appropriate, if any. In no case shall a lot have a width of less than seventy-five (75) feet and a depth of less than one hundred (100) feet. Width and depth of lots laid out for buildings of industrial or business purposes shall be of sufficient size for off street parking and loading as required by the zoning regulations, if any, and the intended use.

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- (b) Every lot shall be laid out in a subdivision so that it abuts or fronts on an existing or proposed public street and has a minimum seventy-five (75) feet of road frontage.
 - (c) Corner lots for residential use shall have extra width to permit a building setback, a minimum of thirty (30) feet along the side street frontage, or as required by applicable zoning codes, if any.
 - (d) Reverse frontage or double frontage lots shall be avoided except in cases of necessity to provide separation of development from traffic arteries or to overcome obvious disadvantages of topography and orientation. If needed the County Commission can specify that a planting screen easement, across which there shall be not vehicular or defined pedestrian access, of ten (10) feet width be given along the line of lots bordering such traffic artery or other physical feature.
 - (e) Lot lines shall be at right angles or at radial lines to the street centerlines where practicable.
 - (f) Lots will have a minimum area of 7,500 square feet. If sewage disposal other than a public or neighborhood disposal system is used, lot sizes will be as prescribed by the appropriate governing agency, board, body or officer having proper authority
 - (g) All lots shall have a minimum front yard set back of thirty (30) feet or as required by zoning codes, if any, from the road or street right-of-way, within which no building or structure is to be placed.

4.3 Monuments - P.R.M.'s (Permanent Reference Monuments)

P.C.P.'s (Permanent Control Points) shall be set according to the provisions for such in Chapter 177 of the Florida Statutes. Monuments shall be set on all lot corners. Such monuments shall be of concrete or iron rods or pipes. Iron rods or pipes shall be at least one-half (1/2) inch in diameter and twenty-four (24) inches

long. Concrete monuments shall be at least two (2) inches by two (2) inches and twenty-four (24) inches long.

- 4.4 Drainage. The developer shall provide an adequate drainage system, approved by the County Engineer, for the subdivision including all necessary open ditches, pipes, culverts, canals, inlets, and other drainage devices. The system shall provide for the proper drainage of all surface water.

The drainage system shall tie existing drainage facilities, or into already established natural drainage patterns wherever possible. In any case, the system shall be adequate to provide that the discharge from the development will not result in damage to the property of others. Discharges will not fall on to adjacent properties where no natural drains exist without acquirement of the necessary easements by the developer.

Drainage calculations shall be provided to the County Engineer which prove the adequacy of the drainage system to be provided. Open ditch drainage shall be based on a 25-year frequency rainfall and subsurface drainage (storm sewers) on a 10-year frequency rainfall. Standard reference for drainage calculations shall be the Florida Department of Transportation Drainage Manual, 2nd Edition.

Section 5 - Sanitary Sewer

To prevent erosion of excessive washing of the shoulders, protective measures shall be taken as required by the Planning Commission, or its representative with the public sanitary sewer system and such connection shall be approved by the County Engineer and by the appropriate governing agency, board, body or officer having proper authority.

- 5.1 If a public sanitary system is accessible it shall be utilized.

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- 5.2 If no public sanitary sewer system is accessible, in the opinion of the County Engineer, an alternate facility for sewage disposal (neighborhood disposal system) may be required by the County Commission, the use of which shall be in compliance with the standards of the appropriate governing agency, board, body or officer having proper authority.
- 5.3 The developer, if not using public sanitary sewer facilities or a neighborhood disposal system, shall obtain approval for use of individual septic tanks and disposal fields from the appropriate governing agency, board, body or officer having proper authority.

When the developer has approvals necessary for installation of public sewer facilities or neighborhood disposal facilities such installation shall be in accordance with the requirements of the appropriate governing agency, board, body or officer having proper authority.

Section 6 - Water Supply

The developer shall supply or make provisions for a well or other satisfactory potable water source to serve the proposed development.

- 6.1 Where a public water supply is reasonable accessible or available to the proposed development the developer shall have installed a complete water distribution system with all necessary mains, service connections and fire hydrants. This system shall be properly connected to the public water supply system and be approved by the County Engineer and the appropriate governing agency, board, body or officer having proper authority.
- 6.2 The developer shall install the water supply system mains, hydrants and service connections before any paying or final grading is done.
- 6.3 If a water system is not proposed by the developer, the developer must receive the approvals of both the County Commissioners and the appropriate governing agency, board,

body or officer having proper authority for use of individual water wells in the subdivision.

Section 7 - Testing

The County Commission may require any or all materials be submitted to tests. Cost of tests, if any, shall be borne by the developer. The County Engineer may ask for certificates of specifications for any material used in construction of improvements and the developer shall furnish such.

Section 8 - Samples

When the County Road Engineer or County Engineer requests samples whether of base course or surface the developer shall furnish said samples of the work from any point indicated and shall replace the same areas with materials and construction to conform to the specifications that were approved.

Section 9 - Inspections

The County Engineer or the County Road Engineer may require construction inspections of any or all of the following:

- (a) Alignment and rough grades after clearing, grubbing and rough grading.
- (b) Grades and soil bearings and subbase or subgrade stabilization after fine grading.
- (c) Thickness or density after compaction of subgrade or base.
- (d) Base installation for quality of surface, grades, thickness, density and bearing.
- (e) Condition of base and prime, for quality and thickness density and bearing.
- (f) Installation of sewer and drainage facilities for alignment, grades, materials and workmanship.

ARTICLE VI - ADMINISTRATION

Section 1 - Public Use and Service Areas

1.1 Public Uses. Where a park neighborhood recreational open space, a school site, buffer zone, or other areas for public use shown on an official map or on a plan or plat adopted by the Planning Commission is located in whole or part in the proposed subdivision, the Planning Commission shall seek to secure the reservation of

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the necessary land for such use. A minimum of five (5) percent of land for subdivision shall be dedicated to the County Commission for public use, other than rights-of-way or easements.

- 1.2 Easements for Utilities. Except where alleys are provided for the purpose, the Planning Commission may require easements for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, or other utility lines on each side of the common rear lot lines and along side lot lines if necessary or advisable in the opinion of the Planning Commission.

Section 2 - Enforcements and Penalties

- 2.1 Approval and Recording of Plats. No person or his agent shall create any subdivision, before securing the Planning Commission's approval of a plat designating the areas to be sold or transferred. No plat of a subdivision shall be filed or recorded by the Clerk of Circuit Court until the plat is submitted to and approved by the Planning Commission and the Board of County Commissioners and such approval has been entered in writing on the plat by the Secretary and Chairman of the Planning Commission and the Board.
- 2.2 Sale or Transfer of Platted Land. It is unlawful for anyone being the owner, or agent of the owner, of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, or exhibition of, or by any other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission, obtained the Commission's approval as required by these regulations, and recorded such approved subdivision plan as required. If such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of a misdemeanor and shall be punishable as provided by Florida Statute 775.082 (4) (b) and 775.083 (1) (e).

Misrepresentation of a Misdemeanor. Any owner or agent of the owner who falsely represents to a prospective purchaser of real estate that roads and streets, sewers, water systems, or drainage facilities will be built, constructed or maintained by Holmes County shall be deemed guilty of a misdemeanor and shall be punishable as provided by Florida Statute 775.082 (4)(b) and 775.083 (1)(e).

- 2.3 **Selling of Land in Violation.** Any contract to sell land in violation of this Article shall be voidable at the option of the purchaser and the purchaser may recover from such owner or agent of the owner any damages he may have suffered by reason of violation of any of these regulations. Suit for such damages may be tried in any court of competent jurisdiction as provided by Florida Statute 163.275.
- 2.4 **Reversion of subdivided land to acreage as provided by Florida Statute 163.280.**
- 2.5 **General Enforcement.** Violation of the provisions of these regulations, or of any rules and regulations of this resolution, shall be deemed a misdemeanor, punishable as provided by Florida Statute 775.082 (4)(b) and with each day such violation continues constituting a separate offense. Any person violating any provision of these regulations shall be fined upon conviction not less than five (\$5.00) nor more than five hundred dollars (\$500.00) and costs of court for each offense.
- 2.6 **Utilities.** No utility whether public or private shall provide utility services for any lot or building in a new subdivision until the Board of County Commissioners has granted its approval to the final subdivision plat and certified thereon. Utility is deemed to include sewage, water, gas, electricity, telephones and others.
- 2.7 **Permits.** No board, public officer or other authority shall issue electrical, building or other such permits as may be required for construction or installation of any building until the Board of County Commissioners has granted its approval to the final subdivision plat and

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certified thereon. These limitations are not intended to restrict installation of a temporary building, utility service or other installations necessary to serve as construction offices, testing areas, etc. for construction.

Section 3 - Amendments

This ordinance may be amended by the Commission provided, however, no amendment shall become effective until a public hearing has been held. Public notice regarding time, place, and date of the hearing shall be published once in a newspaper of general circulation in the area at least seven (7) days prior to such hearing.

Section 4 - Legal Status

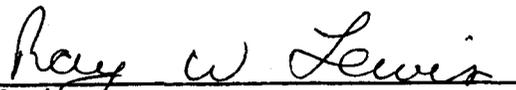
- 4.1 Legal Status Provisions. If any section, subsection, sentence clause, or phrase of these regulations is for any reason held to be unconstitutional, void, invalid, the validity of the remaining portions shall not be affected thereby.
- 4.2 Conflict With Other Laws. Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern.
- 4.3 Effective Date. This ordinance shall take effect immediately upon adoption. These regulations shall be printed in pamphlet form and made available to the general public at a charge of not more than three dollars (\$3.00) per copy. Not less than three (3) copies shall remain on file with the Clerk of the Board for examination by the public, and these regulations shall be published as required by law by title only.

Enacted this 17th day of March, 1980.

ATTEST:

HOLMES COUNTY BOARD OF
COUNTY COMMISSIONERS


Clerk of the Circuit Court

BY: 
Chairman