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ZONING ORDINANCE 88-02

HAS BEEN ADOPTED.

**ZONING ORDINANCE
FOR
HOLMES COUNTY, FLORIDA
Ordinance #88-02**

Prepared By:

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AN ORDINANCE ESTABLISHING LAND USE REGULATIONS FOR HOLMES COUNTY, FLORIDA, PROVIDING A SHORT TITLE, CITING ENACTMENT, AUTHORITY AND JURISDICTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR NONCONFORMING USES; PROVIDING REQUIREMENTS FOR ISSUANCE OF LAND USE CERTIFICATES; PROVIDING FOR CONFORMANCE TO REGULATIONS; PROVIDING FOR REGULATION OF SEPTIC TANKS; PROVIDING FOR REGULATION OF SIGNS; PROVIDING FOR AREA EXCEPTIONS; PROVIDING FOR RIVERINE SETBACKS; PROVIDING FOR A BOARD OF ADJUSTMENTS; PROVIDING FOR SPECIAL EXCEPTIONS, VARIANCES AND APPEALS; PROVIDING FOR ENFORCEMENT AND PENALTY; PROVIDING FOR MANDATORY REVIEW OF THE ORDINANCE; PROVIDING FOR AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS TO AMEND, SUPPLEMENT, CHANGE, MODIFY OR REPEAL, AND FOR AN EFFECTIVE DATE.

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

ARTICLE I

SHORT TITLE

These regulations shall be known as County Ordinance No. 88-02 "1988 - Land Use Regulations, Holmes County, Florida."

ARTICLE II

ENACTMENT AND AUTHORITY

In accordance with Chapters 125 and 163, Florida Statutes, as amended, and the Holmes County Comprehensive Plan, as amended, for the purpose of promoting health, safety, and the general welfare of the community, the Board of County Commissioners shall have the power to regulate and restrict the use of land in the Unincorporated Areas of the County. The Board of County Commissioners is further authorized to regulate and restrict the height, number of stories and size of buildings and other structures on land and water, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the use of buildings, structures and land for trade, industry, residence of other specific use and other matters to be regulated to safeguard the safety, health and welfare of the people.

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ARTICLE III

JURISDICTION

The area subject to these Regulations shall be the unincorporated area of Holmes County under the jurisdiction of the Board of County Commissioners.

ARTICLE IV

PURPOSE AND INTENT

The purpose and intent of these Regulations is to implement the Holmes County Comprehensive Plan and enabling legislation in order to:

Protect and promote the economic, social, and environmental stability of Holmes County;

Encourage the most appropriate use of land and water throughout Holmes County;

Secure safety from fire and other dangers;

Promote health and the general welfare;

Provide adequate light and air;

Prevent the overcrowding of land and water to avoid undue concentration of population;

Preserve and facilitate the development and display of the natural beauty and attractiveness of the area;

Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements; and

Achieve the highest quality of life for residents of Holmes County consistent with sound land development, economic, social, environmental and energy conditions.

ARTICLE V

DEFINITION OF TERMS

The following terms, phrases, words and their derivation shall have the meaning given herein when not inconsistent with the context. Words used in the present tense include future; words in the plural number include the

singular number; and words in the singular number shall include the plural number. The words "shall" and "will" are mandatory and the word "may" is permissible.

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- 1) Abutting Property. Any property that is immediately adjacent to or contiguous to property that may be subject to any hearing required to be held under these Regulations or that is located immediately across any public road or right-of-way from the property subject to any hearing under these Regulations.
- 2) Accessory Structures and Uses. A subordinate and incidental use to the principal use of a property.
- 3) Adult Congregate Living Facility. A facility as defined by Section 400.402(2), Florida Statutes.
- 4) Alcoholic Beverage. A liquid brewed or distilled for human consumption containing more than one percent alcohol by weight.
- 5) Alley. A private or public way which affords a secondary means of access to the property abutting thereon.
- 6) Animal Hospital. An establishment where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.
- 7) Animal Kennel. Any structure or premises in which animals are kept, boarded, bred or trained for commercial gain.
- 8) Apartment House. See Dwelling, Multiple.
- 9) Architect. A person registered and currently licensed to practice architecture in the State of Florida.
- 10) Automobile. See Motor Vehicle.
- 11) Automobile Court. See Motel.
- 12) Auto Rental Service. Establishment primarily engaged in renting or leasing passenger automobiles.
- 13) Automobile Service Station. A building or lot where gasoline, oil and grease are supplied and dispensed to the motor vehicle trade, or where battery, tire and other similar services are rendered.
- 14) Auto Wrecking Yard. Any lot upon which inoperative motor vehicles are located, which motor vehicles are not actively under repair.
- 15) Basement. A portion of a building located partly or wholly underground, but having more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 16) Board of Adjustment. See Article VIII, Land Use Regulations Board of Adjustment (BOA).

- 17) Board of County Commissioners (BCC). The Holmes County Board of County Commissioners.
- 18) Boarding House. A building used for the purpose of providing, for a fee, meals, lodging or both to persons other than members of the family occupying such a dwelling.
- 19) Building. Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, but not to include mobile homes as hereinafter defined.
- 20) Building Area. The total ground area, taken on a horizontal plane at the mean grade level, of each building and accessory building, but not including uncovered entrance platforms, terraces, and steps.
- 21) Building Clusters. A group of structures sharing the same common areas and amenities such as swimming pools, parking lots, etc.
- 22) Building Height. The vertical distance measured from the established mean grade at the front building line to the highest point of the roof, including the chimney(s).
- 23) Building Inspector. Individual appointed by the Building Official to carry out inspections required by the Standard Building Code, as amended, and related Codes.
- 24) Building Line. The innermost edge of any required yard or setback.
- 25) Building Official. The individual responsible for conducting inspections and issuing permits under the Standard Building Code, as amended.
- 26) Building Permit. A permit to construct a structure on a lot issued by the Building Inspection Department according to the Standard Building Code, as amended.
- 27) Building Setback. A line parallel to the front lot line, tangent to the nearest part of the principal building, extending from side lot line to side lot line.
- 28) Campground. A place where buildings or sites for vehicles or tents are rented for use as temporary living quarters for recreational purposes.
- 29) Certificate of Occupancy. Official certification that a premise conforms to provisions of these regulations and the Standard Building Code, as amended, and may be used or occupied. Such Certificate is granted for new construction or for the substantial alteration or additions to existing structures. A structure may not be occupied unless such Certificate is issued by the Building

Official.

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- 30) Child Care Center. An establishment which provides care for more than five (5) children unrelated to the operator and which receives payment, fee, or grant for any of the children receiving care wherever operated, and whether or not operated for profit. The term "Child Care Center" shall include day nursery, day care service, and day care agency.
 - 31) Church. A building designed and/or used for public religious worship.
 - 32) Clinic. An establishment designed and used for the medical and surgical diagnosis and treatment of patients under the care of doctors and nurses.
 - 33) Club. Buildings, facilities and property owned and operated by a corporation or association of persons for social or recreational purposes, including those organized chiefly to promote friendship and welfare among its members, but not operated primarily for profit or to render a service which is customarily carried on as a business.
 - 34) Commercial Use. Activity carried out for monetary gain.
 - 35) Confinement Feeding. Container or trough feeding of confined domestic animals or intense pastoral feeding degrading the pasture below maintenance levels.
 - 36) County. Holmes County, Florida.
 - 37) Dimension Variance. A departure from the terms of this Ordinance pertaining to height, width, depth and area of structures and size of yards and open spaces where such departure will not be contrary to the public interest and where conditions are peculiar to the property because of its size, shape or topography, and not the result of actions of the applicant.
 - 38) Density. The number of dwelling units per acre of land (DU/Ac).
 - 39) District. Any section of the certain described area of Holmes County to which these Regulations apply and within which the land use regulations are uniform.
 - 40) Domestic Animals. A tame animal such as a cow, horse, sheep, pig, goat or chicken, but not necessarily limited to these animals.
 - 41) Dormitory. A room, apartment, or building containing sleeping accommodations operated for the use of students enrolled in an educational institution.
 - 42) Drive-In Restaurant. An establishment where food is served to persons in vehicles for consumption on or off premises.

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- 43) Dry Cleaner. An establishment which cleans and/or dries garments and similar materials using water and/or chemical liquids or solvents.
- 44) Dwelling. A building which is designed or used exclusively for residential purposes, but does not include hotels, motels, or any temporary lodging for transient residence.
- 45) Dwelling Unit (DU). One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household.
- 46) Dwelling - Single-Family. A building designed for and/or occupied by one (1) family.
- 47) Dwelling - Duplex. A detached building designed for or occupied exclusively by two (2) families independently of each other.
- 48) Dwelling - Multi-family. A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other.
- 49) Easement. A grant by the property owner of a nonpossessing right of use of his land by another party for a specific purpose.
- 50) Elevations. All Mean Sea Level (M.S.L.) elevations in these Land Use Regulations shall be measured from certified bench marks throughout the area.
- 51) Emission. The act of passing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant, or the material so passed into the atmosphere.
- 52) Enforcing Officer. The administrative officer designated to administer these Regulations and issue Land Use Certificates.
- 53) Engineer. A person registered and currently licensed to practice Professional Engineering in the State of Florida.
- 54) Family. One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a lodging house or hotel, as herein defined.
- 55) Family, Immediate. Grandparents, parents, grandchildren, children, and/or siblings, related by blood or marriage to the owner of the principal building.
- 56) Filling Station. See Automobile Service Station.
- 57) Finding. A determination or conclusion based on the evidence presented and prepared in support of a decision by the Board of Adjustment (BOA).

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- 58) Floor Area. Total floor area of all stories including halls, stairways, elevator shafts, and other related uses, measured to outside faces of exterior walls of a building exclusive of vent shafts, courts, carports, garages, breezeways and patio.
 - 59) Footprint. The surface area enclosed or covered by the footing, foundation or outermost projection of any floor of a building, whichever area is greater.
 - 60) Foster Care Facility. Home for maximum of five children (including the Foster Parent's own children) which is licensed by the State of Florida. Home must meet Fire/Safety Codes and pass Sanitation Inspections.
 - 61) Fraternity. See Club.
 - 62) Garage Apartment. An accessory building containing living facilities and space for at least one automobile.
 - 63) Garage, Private Residential. An accessory building or portion of the principal residential building including carport used for the storage of automobiles of the occupants of the principal building.
 - 64) Garage, Mechanical. Building where the services of an automobile service station may be rendered, i.e. maintenance, service and repair of automobiles, not to include body work, painting, storage for purpose of using parts, or any other activity which may be classified as a junk yard.
 - 65) Garage, Storage. A building designed or used for the storage of automobiles. Services other than storage shall be limited to refueling, lubrication, washing, waxing and polishing.
 - 66) Government Uses and Structures. Any land, building or use that is owned and operated by the city, county, state or federal government, and over which such government exercises direct and complete control.
 - 67) Grade. The average elevation of the ground adjoining a building or structure on all sides.
 - 68) Greenbelt Area. An open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.
 - 69) Guest Residence. Living quarters within a detached accessory building located on the same lot or parcel of land as the principal building and used exclusively for housing members of the immediate family of the owner of the principal building. A mobile home may be used as a guest residence where permitted by these Regulations.
 - 70) Guest (Tourist) Home. A dwelling in which transient sleeping

accommodations for motor tourists or travelers are provided for compensation.

- 71) Habitable First Floor. The first floor usable for living, which includes working, sleeping, eating, cooking or recreation, or any combination thereof. A floor, basement or cellar used only for storage purposes is not a habitable floor.
- 72) Homeowners Association. A group of homeowners with elected officers and organizational bylaws in a geographical area banded together for a specific purpose.
- 73) Home Occupation. Any use conducted entirely within a dwelling or accessory building and carried on by an occupant thereof, for gain, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character of said dwelling.
- 74) Hospital. A building designed and used for medical and surgical diagnosis, treatment, and housing of persons under the care of doctors and nurses.
- 75) Hotel/Motel Unit. One or more rooms designed to be used or rented for sleeping purposes by transient guests.
- 76) Hotel. A building containing guest rooms designed to be used or rented for sleeping purposes by transient guests.
- 77) Junk Yard. A parcel of land used for the collecting, storage, and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage, salvaging or sale of parts of machinery or vehicles not in running condition.
- 78) Kennel, Animal. A building where animals are kept, boarded, bred or trained for commercial gain.
- 79) Kindergarten. A building or portion thereof used for the instruction of pre-school aged children. This term shall include day nurseries.
- 80) Land Area. The total square footage within the property lines of a lot.
- 81) Land Use Certificate. Certificate issued by Enforcing Officer indicating that a proposed use of land is in conformity with these Regulations, a prerequisite to issuance of a Building Permit.
- 82) Land Use Map. The map or maps, which are a part of these Regulations and delineate the boundaries of zoned districts.
- 83) Laundromat. An establishment that provides coin-operated washing,

drying, dry cleaning, and/or ironing machines for hire, used by customers on the premises.

- 84) Livestock. A tame animal such as a cow, horse, sheep, pig, goat or chicken, but not necessarily limited to these animals. Dogs and cats are not included.
- 85) Lodging House. See Boarding House.
- 86) Lot. The least fractional part of subdivided lands having limited fixed boundaries which has a letter or number by which it may be identified.
- 86.1) Corner Lot. A lot abutting upon two or more streets at a street intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.
- 86.2) Double Frontage Lot. A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.
- 86.3) Interior Lot. Lot other than a corner lot.
- 86.4) Nonconforming Lot. A lot which fails to meet requirements of the Land Use District in which it is located with regard to lot area, width or other characteristics.
- 87) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings.
- 88) Lot Depth. Measured in the mean direction of the side line of the lot from the midpoint of the first line to the midpoint of the opposite main rear line of the lot.
- 89) Lot Lines. The lines bounding a lot.
- 90) Lot of Record. A lot which exists as shown or described on a plat or deed in the official records of Holmes County on or before the adoption of these Regulations by the Board of County Commissioners.
- 91) Lot Width. The horizontal distance measured along the building setback line, between the two side property lines.
- 92) Major Street Plan. The current BCC plan for existing or proposed traffic thoroughfares for Holmes County, Florida.
- 93) Marina. A place for docking boats and/or providing services to boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, and/or provision of food, beverages, and entertainment as accessory uses. Boat docks are permitted as accessory uses for

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owner/occupants of condominiums and townhouse developments.

- 94) Metes and Bounds. A system describing and identifying land by a series of lines around the perimeter of an area known as a metes and bounds description; "metes" means bearings and distances and "bounds" refers to monuments, both legal and physical.
- 95) Mini-Warehouse. A building containing separate storage spaces leased or rented on an individual basis and used only for storage.
- 96) Mobile Camper. A vehicle constructed with wheels and designed for temporary lodging when traveling or for recreational use (Other than Mobile Home).
- 97) Mobile Home. A structure, transportable in one or more sections, which is over eight (8) feet in width, over 35 feet in length, built on an integral chassis, designed to be used as a private dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, electrical and sanitary systems contained therein.
- 98) Mobile Home Park. A parcel of land under single ownership on which two or more mobile homes are occupied as residences.
- 99) Mobile Home Subdivision. A subdivision of mobile homes where two or more individual lots are owned by owners and where a portion of the subdivision or the amenities exclusively serving the subdivision are retained by the subdivision developer/owner or Homeowners association.
- 100) Motel. A building or group of buildings designed to provide sleeping accommodations for transient automobile travelers. Includes Auto Courts, Tourist Courts, Motor Lodges or Motor Inns.
- 101) Motor Vehicle. A self-propelled free moving vehicle, usually with four or more wheels, primarily for conveyance on a street or roadway.
- 102) Non-Conforming Use. The use of any structure or land other than a use specifically permitted in the district in which such structure or land is located and which was in existence prior to adoption of this ordinance.
- 103) Noxious Matter. Material which is capable of causing injury to living organisms.
- 104) Nursery School. See Child Care Center.
- 105) Nursing, Convalescent, or Rest Home. A home for two or more aged, convalescent, chronically ill or incurable persons, not of the same family, where food, shelter and care are provided. Not including hospitals, clinic or medical institutions
- 106) Out-Building. A structure erected for the purpose of sheltering

- domestic animals and/or for the storage of crops or equipment.
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- 107) Outdoor Recreational District. An area used exclusively for outdoor recreational purposes.
 - 108) Owner. The holder of the fee simple title of record, a vendee under a contract by agreement for deed, or a lessee under a written lease whose term is more than ten years.
 - 109) Package Store. An establishment selling liquor for off-premises consumption.
 - 110) Parcel. A lot or contiguous group of lots, in single ownership or under single control considered a unit for purposes of development. See Plot or Site.
 - 111) Park. A tract of land, designated and used by the public for active and passive recreation.
 - 112) Parking Lot. A parcel used for the storage or parking of motor vehicles, either for compensation or to provide an accessory service to a commercial or residential use.
 - 113) Parking Space. A space for the parking of a motor vehicle within a public or private parking area.
 - 114) Pastoral Feeding. Pastured feeding of domestic animals, where the pasture provides the major portion of feed consumed and the pasture is maintained during the period of time that such pasture is occupied by domestic animals.
 - 115) Permissible Use. Any use authorized in a particular zoning district, a permitted use or special exception use.
 - 116) Person. Includes the words: owner, agent of an owner, firm, association, trust, company or corporation, as well as an individual.
 - 117) Planned Unit Development (PUD). An organized comprehensive program for flexible approval of improvements on a parcel of land in compliance with basic and specific development objectives and regulations, allowing individualized land use and site plans.
 - 118) Plat. A map or drawing depicting the division of lands and lots, blocks, tracts, or sites being a complete exact representation of the boundary lines, streets, easements and other information in compliance with the Florida Plat Act and applicable County Ordinances.
 - 119) Plot. An indefinite term referring to a piece of property. See Parcel or Site.
 - 120) Plot Plan or Plat Plan. A plan, to scale, showing uses and structures proposed for a parcel of land as required by these

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Regulations including lot lines, streets, building sites, reserved open space, existing buildings, major landscapes features, topography and proposed utility lines and easements.

- 121) Premises. A parcel of land and all the structures thereon under one ownership.
- 122) Principal Building. The building in which the principal use of the lot on which it is situated is conducted.
- 123) Property Line. The recorded boundaries of a lot or tract of land under one ownership.
- 124) Public Health, Department of. Holmes County Health Department.
- 125) Public Notice or Due Public Notice. Publication of notice of the time, and purpose, of a meeting or hearing in a newspaper of general circulation in the County.
- 126) Public Offices. A building or portion thereof which is rented, leased or similarly obtained by the city, county, state, or federal government, but not owned by such government, in which public officials and employees direct the administrative and executive functions and affairs of such government.
- 127) Public Utilities and Service Structures. Building or structures required for public utilities and services, including but not limited to potable water, stormwater, sewage, communication services, electricity, gas, fire and police protection, mass transportation, and streets and highways necessary for the operation and maintenance of public utilities or services.
- 128) Recreational Vehicle. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
- 129) Residence. See Dwelling.
- 130) Residential Dock or Pier. A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.
- 131) Restaurant. A building or structure, or portion thereof, in which food is prepared and served for consumption.
- 132) Restrictive Covenants. Private regulations recorded with the Final Plat, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or other parcel of land for a specified time.
- 133) Right-of-Way. The areas of a highway, road, street or way

reserved for public use, whether established by prescription, dedication, gift, purchase, eminent domain or any other legal means.

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- 134) Riverine Setback. Within 30 feet from the top of the generally recognized river or creek bank.
- 135) Rooming House. See Boardinghouse.
- 136) Satellite Television Receiving Dish. A device commonly concave in shape, mounted at a fixed point for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna.
- 137) School. An institution primarily for academic instruction, public, parochial or private, and having a curriculum the same as ordinarily given in a public school.
- 138) Service Station. See Automobile Service Station.
- 139) Setback Line (Street). A line measured perpendicular to and parallel with the center line of the right-of-way of the road.
- 140) Shopping Center. A group of commercial establishments planned, constructed and managed as an entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.
- 141) Sight Triangle. A triangular shaped portion of land established at street intersections in which nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- 142) Sign. Any object, device, display or structure, or part thereof, which advertises, identifies, displays, directs or attracts attention to an object, person, institution, organization, business, product, service, event or location by the use of words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.
- 143) Sign, Abandoned. A sign which advertises a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location.
- 144) Sign, Animated or Moving. Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
- 145) Sign Area. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

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- 146) Sign, Awning, Canopy or Marquee. A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by ordinance. The sign shall not project above, below or beyond the awning, canopy or marquee. (See Figure 1.)
- 147) Sign, Banner. Any sign with characters, letters, illustrations or ornamentation applied to cloth, paper, flexible plastic or fabric of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material.
- 148) Sign, Billboard (Off-Premise). A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- 149) Sign, Bulletin Board (Directory). A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.
- 150) Sign, Business. A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
- 151) Sign, Construction. A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- 152) Sign, Directional. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
- 153) Sign, Facade. See "Sign Wall."
- 154) Sign Face. The area or display surface used for the message.
- 155) Sign, Flashing. Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
- 156) Sign, Free Standing. Any nonmovable sign not affixed to a building.
- 157) Sign, Governmental. A sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation.

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- 158) Sign, Ground. Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure. (See Figure 1.)
 - 159) Sign, Holiday Decoration. Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.
 - 160) Sign, Home Occupation. A sign containing only the name and occupation of a permitted home occupation.
 - 161) Sign, Identification. A sign giving the nature, logo, trademark or other identifying symbol; address; or any combination of the name, symbol and address of a building, business development or establishment on the premises where it is located.
 - 162) Sign, Illuminated. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
 - 163) Sign, Memorial. A sign, tablet or plaque memorializing a person, event, structure or site.
 - 164) Sign, Name Plate. A sign, located on the premises, giving the name or address or both, of the owner or occupant of a building or premises.
 - 165) Sign, Off-Premise. See "Sign, Billboard."
 - 166) Sign, On-Premise. A sign that identifies or advertises only goods, services, facilities, events or attractions available on the premises where the sign is located.
 - 167) Sign, On-Site Informational. A sign commonly associated with and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.
 - 168) Sign, Pole. A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is six feet or more above grade. (See Figure 1.)
 - 169) Sign, Political. A temporary sign announcing or supporting political candidates or issues in connection with any national state or local election.
 - 170) Sign, Portable. A sign that is not permanent, affixed to a building, structure or the ground.
 - 171) Sign, Private Sale or Event. A temporary sign advertising private sales or personal property such as "house sales," "garage sales," "rummage sales," and the like, or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft

shows and Christmas tree sales.

- 172) Sign, Projecting. A sign that is wholly or partially dependent upon a building for support and which projects more than 12 inches from such building. (See Figure 1.)
- 173) Sign, Real Estate. A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- 174) Sign, Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof. (See Figure 1.)
- 175) Sign, Temporary. A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a designated period of time.
- 176) Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. (See Figure 1.)
- 177) Sign, Warning. Sign limited to messages of warning, danger or caution.
- 178) Sign, Window. A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window. (See Figure 1.)
- 179) Silviculture (Forestry). The development, maintenance, and management of forest resources.
- 180) Site. A plot of land suitable for development, or on which a building or buildings are built.
- 181) Site Plan. A plan, to scale, showing uses and structures proposed for a parcel of land as required by these Regulations including lot lines, streets, building sites, reserved open space, existing buildings, major landscape features and topography and proposed utility lines and easements.
- 182) Sorority. See Club.
- 183) Special Exception. A use that would not be appropriate generally throughout a particular district, but which, if controlled as to number, area, location, or reflection to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, and the general welfare.

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- 184) Stable, Private. A structure where horses are kept by the owners or occupants of the premises and are not kept for hire or sale.
- 185) Stable, Riding. A structure where horses are kept for hire or sale.
- 186) Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. In computing the height of a building, the height of basement shall not be included if below grade.
- 187) Story, Half. A story under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level.
- 188) Street. A right-of-way provided for vehicular and pedestrian traffic. Includes all improved or unimproved land lying between the right-of-way lines as delineated on a plat.
 - 188.1) Alley. A private or public right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose primary frontage is on a street.
 - 188.2) Collector Street. A street providing for traffic movement between local streets and major thoroughfares.
 - 188.3) Cul-de-sac. A street with a single common ingress and egress with a turnaround at the other end.
 - 188.4) Loop Street. A local street having two open ends, each end connecting with a common street having no other streets intersecting between the ends of the loop street.
 - 188.5) Marginal Access Street. The same as a Loop Street, but having other streets intersecting between its ends.
 - 188.6) Private Street. A street that has not been dedicated to public use.
 - 188.7) Public Street. A right-of-way which has been accepted by the Board of County Commissioners for maintenance.
- 189) Structural Alteration. Any change, except for repair or replacement, in the supporting members of a building such as bearing walls, columns, beams, or girders, .
- 190) Structure. Anything constructed or erected on a fixed location on the ground or attached to something having a fixed location as the

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ground, including but not limited to, a building, mobile home, wall, fence, or sign.

- 191) Subdivision. The division of a parcel of land into two or more parcels.
- 192) Swimming Pool. Any constructed pool used for swimming, bathing or wading, and including all buildings, fences, and appurtenances thereto.
- 193) Tourist Home. See Guest Home.
- 194) Town House. A single-family residential building attached to one or more single-family residential buildings by a common wall.
- 195) Trailer. See Mobile Home.
- 196) Trailer Park. See Mobile Home Park.
- 197) Truck Stop or Terminal. Buildings designed to cater principally to trucks where the functions and services rendered by a mechanical garage may be rendered, but not to include the storage of vehicles for the purpose of using parts of said vehicles for sale or repair.
- 198) Use, Principal. The main use of land or buildings as distinguished from a subordinate or accessory use.
- 199) Used Car Lot. Any parcel of land used for the storage, display, and sale of used automobiles in running condition.
- 200) Variance. A relaxation of the literal terms of this Land Use Regulation where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this regulation would result in unnecessary and undue hardship. A variance is authorized only for height, area, bulk, and size of structure or yard size, open spaces, and off street parking requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or classification, or in adjoining district or classifications.
- 201) Visibility Clearance at Intersections. See Sight Triangle.
- 202) Yard. Any area on the same lot with a building or building group lying between the building or the building group and the nearest lot line.
 - 202.1) Front Yard. A yard situated between the front lot line and the front building setback line, extending the full width of the lot.

202.2)Rear Yard. A yard situated between the rear lot line and the rear building setback line, extending the full width of the lot.

202.3)Side Yard. A yard situated between the side lot line and the building setback line, extending from the front yard to the rear yard or the rear lot line, where there is no rear yard.

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203) Zero Lot Line Dwelling. A detached single-family dwelling sited on one side lot line with zero side yard building setback, and a required side yard setback on the opposite side.

ARTICLE VI

DISTRICTS, BOUNDARIES, LAND USE MAPS, LOTS OF RECORD

Section 1 - District Nomenclature

In order to regulate and limit the height and size of buildings, to regulate and limit the intensity of the use of lot areas, to regulate and determine the areas of open spaces within and surrounding buildings, to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified industrial, business, residential and other uses, the area is hereby divided into districts known as:

RANC Residential, Agricultural, and Neighborhood Commercial District

GC General Commercial District

ID Industrial District

The boundaries of the districts are shown upon the map series as adopted by the Board of County Commissioners and made a part hereof and entitled "Land Use Map Series." The Land Use Map Series and all the notations, references, and other information shown thereon are a part of these Regulations as if such information set forth on the map series were all fully described and set out herein. This map properly attested is on file in the office of the Board of County Commissioners.

The boundaries of such districts as shown on the Land Use Map Series adopted as part of these Regulations or amendments thereto are hereby adopted and approved. Regulations governing the use of land and buildings, the height of buildings, building site areas, the sizes of yards about buildings and other matters are established and declared to be in effect upon all land included within the boundaries of each district shown upon the Land Use Map Series. Where uncertainty exists as the boundaries of any district shown on a map, the following rules shall apply:

Where district boundaries are indicated as approximately following street center lines, alley lines or lot lines, such lines shall be construed to be district boundaries.

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Where a district boundary divides a lot of record or single owner parcel, the location of such boundary shall be determined by use of the scale appearing on the map unless said boundary is located by dimensions. Where a district boundary line divides a lot of record into equal sections, the more restrictive zoning classification shall regulate. If a lot of record is divided into unequal sections, the regulations shall be those applicable to the largest section.

Where any street or alley is officially vacated, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added to each parcel by such vacation.

Where a lot or parcel of land has an area or a width less than the minimum required in the land use district and was a separate lot of record as of adoption of this ordinance, the Enforcing Officer may vary area and yard requirements up to 50 percent without referring the matter to the Land Use Board of Adjustments.

Section 2 - RANC-Residential, Agricultural, and Neighborhood Commercial District

Intent and Purpose of District:

This district is intended to provide for low intensity development specifically aimed at allowing rural residential, agricultural, and associated neighborhood convenience shopping uses. This district shall be established in all areas not specifically identified for development as provided in the GC and ID districts.

A. Uses Permitted

- (1) Single-family and multi-family dwellings and their customary accessory structures and uses.
- (2) Guest residences of no more than one guest residence per dwelling unit per lot for each single-family use.
- (3) Home occupations.
- (4) Mobile homes utilized as single-family residences.
- (5) Boarding and lodging homes.
- (6) Dormitories, fraternities, and sorority houses.
- (7) Nursing homes, rest homes, convalescent homes, and adult congregate living facilities.
- (8) Schools and educational institutions, public, parochial and private, with their attendant buildings and facilities.
- (9) Churches with attendant buildings and facilities.

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- (10) Public utility and service structures including but not limited to water, sewer, electric power, fire and police uses.
- (11) Parks and recreational areas.
- (12) Buildings used by federal, state, county or city governments for public purposes.
- (13) Kindergartens, child care centers and foster care facilities.
- (14) The growing of crops and plants.
- (15) The keeping of horses and stables.
- (16) Campground facilities.
- (17) Horticulture, floraculture, greenhouses, and aquaculture.
- (18) Areas for display and sale of fruit, vegetables, and similar agricultural products.
- (19) Silviculture (Forestry).
- (20) Animal hospitals, clinics and kennels.
- (21) Professional offices such as architects, engineers, lawyers, tax consultants, accountants, real estate professionals, insurance offices, and medical and dental clinics.
- (22) Private clubs and lodges except those operated primarily as commercial enterprises.
- (23) Retail sales and services (gross floor area of building not to exceed a 4,000 square feet footprint).
 - a. food and drugstore.
 - b. personal service shop.
 - c. clothing and dry goods store.
 - d. home furnishings and hardware appliance.
 - e. specialty shop.
 - f. banks and financial institutions.
 - g. bakeries, whose products are made and sold at retail on the premises.
 - h. florist shop.
 - i. health clubs, spa and exercise centers.
 - j. studio for the arts.
 - k. martial arts studios.
 - l. hardware.
 - m. indoor theatre.

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- (24) Laundromats and dry cleaners (gross floor area not to exceed a 4,000 square feet footprint).
- (25) Restaurants (without drive thru services).
- (26) Gasoline stations (no outside storage, minor repair only).
- (27) Appliance repair shops (no outside storage or work permitted).

B. Uses Prohibited

- (1) Any commercial and industrial uses, except for those commercial uses which may be specifically permitted under Article VI, Section 2. A. of this ordinance. Commercial and industrial uses are strictly limited to GC and ID districts.

C. Special Exceptions

- (1) Hunting preserve.
- (2) Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
- (3) Country clubs and their customary accessory uses.

D. Site and Building Requirements

- (1) Lot Area, Minimum.

The following structures are subject to the identified minimum lot areas when no public water and sewer facilities are available:

Single-family dwelling	0.5 acres
Multi-family dwelling	1.0 acre
Campgrounds	5.0 acres
Churches and schools	1.0 acre
Public stables	10.0 acres
Kennels	2.0 acres

All other permitted structures are subject to a 0.5 acre minimum lot area when no public sewer facilities are available.

In areas where public sewer facilities are available, no minimum lot area shall apply.

- 2) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings shall not exceed

40 percent of the total lot area.

- 3) Lot Width. There shall be no minimum lot width.
- 4) Set Back Requirements. There shall be a front yard setback of not less than 15 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard setback required shall be the average setback of the dwellings already constructed.

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The minimum rear yard setback shall not be less than 15 feet. On property abutting riverine, or creek systems, the setback shall be in accordance with the Riverine Setback (RS) Provision of these Regulations (Article VII, Section 7), or 20 feet, whichever is greater.

The side yard setback required on each side for buildings not exceeding three stories in height shall be 10 percent of the lot width, but each side yard need not exceed 10 feet. For buildings exceeding three stories, the side, front and rear yard setbacks shall be increased in accordance with the formula that for each additional foot the building is setback from all property lines, three feet may be added to the height of the buildings. No side yard setbacks shall be required in attached townhouse projects except at the ends of such projects where a minimum of 10 feet shall be required.

E. Signs

See Article VII, Section 5.

-Section 3 - GC General Commercial District

Intent and Purpose of District

This district is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishings of selected services. The district also provides for retail operations entailing limited fabricating/assembling where all such operations are within the confines of the building and do not produce undesirable effects on nearby property. The scale and intensity of commercial uses allowed within this district are intended to be of a nature compatible with adjacent residential development.

A. Uses Permitted

- (1) Any non-residential or agricultural use permitted in the preceding district.
- (2) Strip or Mall Shopping Centers

- (3) Taverns, cocktail bars and nightclubs.
- (4) Personal service establishments such as, but not limited to, banks, barber shops, beauty parlors, medical and dental clinics, restaurants including on-premise consumption of alcohol, financial institutions, professional and other offices, parking garages and lots, laundry and dry cleaning, pickup stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, tailoring, watch and clock repair, locksmiths and data processing.
- (5) Retail businesses such as: drug, package, hardware stores, book, stationery, china and luggage shops, newsstands, photographic supplies and studios, and wearing apparel shops.
- (6) Drive-In restaurants provided that the boundaries of the tract of land on which they are located are in excess of 100 feet from any residential use.
- (7) Automobile repair shops for ignition, fuel, brake and suspension systems.
- (8) Automobile service stations including minor auto repairs.
- (9) Automobile washing facility.
- (10) Hotels and Motels.
- (11) Off-premise signs, billboards and other sign structures erected, located and maintained as provided for in Article VII.
- (12) Grocery, fruit, vegetable, meat market, convenience stores and supermarkets, including the sale of beer and wine for off-premises consumption and the incidental sale of gasoline.
- (13) Health and fitness clubs.
- (14) Hospitals.
- (15) Printing, bookkeeping, lithography and publishing companies.
- (16) Interior decorating, home furnishing, and furniture stores.
- (17) Music conservatory, dancing schools and art studios.
- (18) Music, radio and television shops.

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- (19) Retail paint and wallpaper stores.
 - (20) Mortuary and funeral homes.
 - (21) Dry Cleaning establishments provided that equipment used emits no smoke or escaping steam and uses non-flammable synthetic cleaning agents (perchloroethylene, trichloroethylene, etc.)
 - (22) Florist shops.
 - (23) Enclosed Animal Hospitals and Clinics.
 - (24) Campgrounds.
 - (25) Warehouses.
 - (26) Mini warehouses.
 - (27) Bowling alleys, skating rinks, and billiard parlors, providing such facilities are enclosed in a sound proof building.
 - (28) Amusement and recreational facilities such as, but not limited to, amusements parks, shooting galleries, miniature golf courses, golf driving ranges, baseball batting ranges and trampoline centers.
 - (29) Carnival-type amusements when located more than 500 feet from any residential District.
 - (30) New and used car, mobile home, motorcycle, bicycle and boat sales and mechanical service.
 - (31) Mechanical garage with body work and painting services.
 - (32) Radio broadcasting and telecasting stations, studios and offices.
 - (33) Animal Kennels provided that 75% of the property owners within a radius of 200 feet of the property on which the kennel is located have given their written consent to the kennel.
 - (34) Commercial Food Freezers and Commercial Bakeries.
 - (35) Antique Shops, Pawn Shops and Second-Hand Stores.
 - (36) Garden shops or nurseries displaying plants, shrubs, trees, etc., outdoors adjacent to the garden shop or nursery.

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B. Special Exceptions

- (1) Any special exception allowed in the preceding district.

C. Traffic Requirements

- (1) No entrances or exits shall direct traffic into adjacent residential areas where such traffic will result in a decrease in the level of service standard for such areas

D. Site and Building Requirements

- (1) Lot Area, minimum: Requirements shall be the same as those described and presented under Article VI, Section 2, (D)1.
- (2) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total lot area.
- (3) Lot Width. There shall be no minimum lot width.
- (4) Set Back Requirements. There shall be a front and rear yard setback of at least twenty feet and there shall be a minimum side yard setback of fifteen feet on each side when such property is adjacent to a RANC District. In the instances where property is not adjacent to a RANC District, there shall be a rear yard setback of at least 15 feet and there shall be a minimum side yard setback of ten feet on each side. On property abutting, riverine or creek system, the setback shall be in accordance with the Riverine Setback (RS) Provision of these Regulations (Article VII, Section 7) or 20 feet, whichever is greater.

E. Signs

See Article VII, Section 5.

F. Screening Adjacent to Residential Areas.

Where a lot line within a GC General Commercial District abuts a side or rear lot line in any residential lot, screening is required. Such screening may be in the form of walls, fences, or landscaping and shall be at least 50% opaque as viewed from any point along said residential lot line. When landscaping is used for screening, the opacity requirements shall be attained within 24 months of the issuance of the Certificate of Occupancy.

Section 4 - ID Industrial District

A. Uses Permitted

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- (1) Any use not permitted in another district. No Land Use Certificate shall be issued until the use and the location have been approved by the Board of County Commissioners subject to the following procedure:
 - (a) A written request shall be made to the Board of County Commissioners to permit a specific use.
 - (b) The Board of Adjustment shall review the request and make a recommendation to the Board of County Commissioners.
 - (c) Within 45 days the Board of County Commissioners shall hold a public hearing as provided for in Article VIII, Section 2.
 - (d) The Board of County Commissioners shall approve or deny the request within 30 days of the public hearing.

B. Uses Prohibited

- (1) Single and multi-family dwelling units.
- (2) All uses defined under the Standard Building Codes as Group H, Hazardous Occupancies.

C. Site and Building Requirements

- (1) Building Height Requirement. No building shall exceed three stories or 40 feet in height except as otherwise provided in Article VII, Section 6.
- (2) Minimum Lot Size. There shall be no minimum lot size.
- (3) Lot Coverage. The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total lot area.
- (4) Setback Requirement. There shall be a front yard setback of not less than 25 feet. There shall be a rear yard setback of not less than 25 feet. There shall be side yard setbacks of not less than 15 feet.
- (5) Minimum Area. Minimum total area and width of an ID Industrial District. No area shall be designated as an ID Industrial District that does not have a minimum area of 20 acres and a minimum width at the street

right-of-way line of 300 feet.

ARTICLE VII

GENERAL REGULATIONS

Section 1 - Buildings to Conform

No building shall be erected, reconstructed or structurally altered or land be used which does not comply with the Regulations established for the District in which the building or land is located. Any building hereafter erected, reconstructed or structurally altered, shall not encroach upon the minimum yards and other open spaces, contained in the Regulations. Accessory structures shall not exceed 15 feet in height, except when said structures are used exclusively for agricultural purposes in a RANC District or when a Board of Adjustment variance is granted.

Section 2 - Nonconforming Uses

The lawful use of a building or land existing as of the date of adoption of these Regulations shall not be affected by these Regulations although the existing use may not conform to these Regulations.

No structural alterations shall be made to a building of nonconforming use, except those required by law or ordinance, or ordered by an authorized official to secure the safety of the building or the occupants. If such nonconforming building use is removed or discontinued for a continuous period of 1 year, any future use of the building shall be in conformity with these Regulations. Any building not conforming to these Regulations which is rebuilt or structurally altered shall conform to all applicable County Codes, Ordinances and the requirements of these Regulations unless such rebuilding or alteration is required as a result of a disaster (fire, flood, wind damage, etc.).

No nonconforming building shall be enlarged to cover a greater area of land than that occupied or be expanded to include more floor area than on the date of adoption of these Regulations unless a variance is granted by the Board of Adjustment.

Section 3 - Land Use Certificates

Before a building shall be added to, erected, reconstructed, structurally altered, moved, or demolished, a Land Use Certificate shall be obtained from the Enforcing Officer. The Certificate shall be on a form provided by the Enforcing Officer and a Land Use Certificate fee may be charged if a fee schedule is adopted by the Board of County Commissioners. Said Land Use Certificate shall be obtained prior to issuance of any Building Permit.

A Land Use Certificate shall be issued or denied within five working days from the date of application. The applicant may appeal the denial of the Certificate to the Board of Adjustment, in writing within 20 calendar days after rejection of the application. Each application for a Land Use Certificate shall be accompanied by a plot plan drawn to scale showing the

actual dimensions of the lot to be built upon, the size, shape, height and location of the building to be erected, dimensions and location of existing buildings, and width of front, side and rear yards.

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When application is made to build upon a lot of nonconforming size, the application shall be accompanied by an affidavit that said lot was a Lot of Record prior to the adoption of these regulations.

A Land Use Certificate shall be valid for issuance of a Building Permit and shall be subject to the same conditions as the Building Permit. For cause, one or more extensions of the Land Use Certificate for periods not exceeding 120 days may be issued by the Enforcing Officer. The Enforcing Officer may revoke a Land Use Certificate issued in a case where there has been a false statement or misrepresentation in the application or on the plot plan for which the certificate was issued. A Temporary Land Use Certificate is required for a mobile home or temporary structure used as an on-site real estate sales office, construction office during development of a project, or storage for tools and materials during construction on the premises. A mobile home/temporary structure used as an on-site real estate sales office, construction office or storage of tools and materials during construction may be located in any District in which a project has been approved. The on-site real estate sales office use shall be discontinued and the mobile home/temporary structure removed no later than final closing for purchase of the last unit in the development project. The on-premise construction office or storage of tools and materials use shall be discontinued and the mobile home, temporary structure removed immediately after the final Certificate of Occupancy is issued.

Section 4 - Septic Tanks

In areas where there are no sewage facilities, septic tanks shall be installed in accordance with current regulations of the Florida Department of Environmental Regulation and the Holmes County Health Department.

Section 5 - Signs

- A. Permit Required.

It shall be unlawful for any person to erect, construct, alter or relocate within Holmes County, Florida, any sign without having first obtained a Land Use Certificate issued by the Enforcing Officer and a Building Permit issued by the Building Inspections Division, except as provided for in Article VI of this ordinance.

B. Definitions.

Refer to Article V.

C. General Provisions.

(1) Exempt Signs.

The following signs are exempt from the permitting requirements of this ordinance. Such signs shall meet

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the standards of the Standard Building Code, as adopted by Holmes County, Florida, and the applicable Building Permit shall be obtained.

- (a) "No Trespassing" or "No Dumping" signs of four (4) square feet or less.
- (b) Identification signs of four (4) square feet or less.
- (c) Governmental signs for traffic control, street designation, direction to public facilities and any public sign deemed necessary by a public official in the performance of his public duty, and as approved by the Board of County Commissioners.
- (d) Governmental or religious flags or insignia and holiday decorations, incidental to the business and customarily associated with any national, religious or local holiday.
- (e) Credit card or membership signs of four (4) square feet or less, one of each different organization permitted for each street frontage.
- (f) A maximum of two (2) menu boards or price lists for drive-thru facilities of no more than twenty-four (24) square feet each. Such signs shall be located adjacent to and oriented toward the drive-thru area.
- (g) Graphics and trademarks on vending machines, gas pumps and other machinery customarily used for sales outside of a building.
- (h) Signs required or authorized by federal, state or county law.
- (i) Informational signs of four (4) square feet or less.
- (j) House address numbers and family name signs of two (2) square feet or less in residential districts.
- (k) Garage/Yard Sales signs four (4) square feet or less, not more than six (6) feet above ground level. Sign must be removed after sale concludes.

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D. Prohibited Signs.

It shall be unlawful to erect or maintain any sign described as follows:

- (1) Traffic or pedestrian hazards. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, coloring or method of illumination. Any sign which obstructs the vision between pedestrians and vehicles using the public right-of-way including, but not restricted to, those not meeting visibility standards in the zoning ordinance. Specifically prohibited are signs using:
 - (a) Bare bulbs in excess of eleven (11) watts;
 - (b) Words and traffic control so as to interfere with, mislead or confuse traffic, such as "stop," "caution," "danger," or "slow."
- (2) Privately constructed signs in public rights-of-way not specifically permitted in this ordinance.
- (3) Abandoned signs.
- (4) Signs made of combustible materials that are attached to or in close proximity to fire escapes or firefighting equipment.
- (5) Commercial signs upon or adjacent to residential dwellings. No sign shall be located within twenty-five (25) feet of any residential dwelling, except signs advertising uses allowed outright or in an RANC, (Residential, Agricultural, and Neighborhood Commercial) District.
- (6) Signs attached to utility poles.
- (7) Projecting signs that project into the public right-of-way or the sight triangle of motorists. Projecting sign must maintain a clear height of 9 1/2 feet above grade.
- (8) Off-premise signs (Outdoor Advertising Display Signs/Billboards) shall be no closer than 100 feet to any residential dwelling.
- (9) Any other signs that are not specifically permitted or exempted by Article VII of this ordinance.

E. Temporary Signs.

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The following signs shall be permitted temporarily and shall require the issuance of a temporary Land Use Certificate.

(1) Portable signs for the following on-site uses:

- (a) A new business or a business in a new location whose allowable freestanding sign has not yet been erected may utilize a conforming portable temporary sign for a period of not more than sixty (60) consecutive days or until installation of the allowable freestanding sign, whichever shall occur first.
- (b) A business may utilize portable temporary signs. The maximum size of the sign face (one side) shall be thirty-two (32) square feet, and the number of such signs shall be limited to one for each lot or parcel.

(2) Real Estate and Construction Signs.

Real Estate and construction signs shall be permitted under the following conditions:

- (a) One (1) non-illuminated sign of each type shall be allowed on each street frontage of the subject property only.
- (b) County setbacks shall apply.
- (c) A maximum height of five (5) feet in residential zones and ten (10) feet in all other zoned districts shall be observed.
- (d) Maximum sign area shall be:

	Maximum Size Per Sign	Maximum Per Parcel
RANC Districts	16 sq. ft.	64 sq. ft.
ALL Other Districts	32 sq. ft.	96 sq. ft.

- (e) Construction signs shall not be erected more than sixty (60) days prior to the beginning of construction and shall be removed within thirty (30) days after construction is completed. Such signs shall be removed immediately if construction has not begun after sixty (60) days, or if construction is halted thereafter for a period of more than thirty (30) days.

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(f) Real estate signs shall be removed within thirty (30) days following the sale of subject property.

(3) Political Campaign Signs.

Temporary political campaign signs shall be permitted in all zoning districts subject to the following restrictions:

(a) The maximum sign shall be:

	Maximum Size per Sign	Maximum per parcel
RANC	6 sq. ft.	18 sq. ft.
All Other Zones	16 sq. ft.	48 sq. ft.

(b) Political campaign signs shall be removed no more than fifteen (15) days after the conclusion of the election.

(4) Window Signs and Banners.

Such signs are permitted temporarily to advertise special sales or events.

(5) Special Event Signs.

Temporary signs for public or private non-profit special events, or special events not related to the primary use of the property shall be permitted by the Enforcing Officer for a period covering the duration of the event and advance publicity not to exceed a total period of four (4) weeks. Such temporary signs shall not exceed thirty-two (32) square feet for each street frontage.

F. Non-Conforming Signs.

Any nonconforming sign on the date of adoption of this ordinance, which is removed, damaged or destroyed to the extent that it requires substantial repair shall be terminated and replaced by a sign in conformance with this ordinance.

Any nonconforming sign not terminated by any other provision of this ordinance shall be terminated no later than five (5) years from the effective date of this provision.

G. Maintenance and Removal.

(1) Every sign, including those specifically exempt from

Article VII of this ordinance in respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material.

- (2) The Enforcing Officer, or his duly authorized representative, shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.
 - (3) The Enforcing Officer shall not remove, or order the removal, of any sign erected and maintained on private property in violation of this section or any unauthorized signs on public property other than temporary signs on a public right-of-way, except in emergency cases, without written notice delivered personally or by registered or certified mail. The notice shall be addressed to the owner or any co-owner of the property on which said sign is located and to the owner or lessee of the sign. If the owner or lessee fails to comply with the notice within fourteen (14) days thereafter, the Enforcing Officer shall cause such sign to be brought into compliance or removed, and shall assess the cost of such compliance or removal to be charged as a lien against the land on which the sign existed.
- H) County Setback Regulations shall apply to all signs.
- I) Permanent On-Premise Signs.

(1) RANC Districts

The following permanent on-premise signs shall be permitted in residential, agricultural, and neighborhood commercial districts.

- (a) One non-illuminated name plate per street frontage designating the owner or the occupant and/or the address of the property. The name plate shall be no larger than two (2) square feet. Such signs are exempt from the permitting process.
- (b) Churches, schools, libraries, community centers and civic organizations are permitted one sign to serve as identification and/or bulletin board not to exceed thirty-two (32) square feet of

advertising surface. Such signs shall not exceed eight (8) feet in height.

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- (c) One sign per residential subdivision entrance, identifying the subdivision with a maximum size of gross area of fifty (50) square feet. The maximum height shall be ten (10) feet. Indirect lighting is permitted.

(2) Commercial and Industrial Districts

The following permanent on-premise signs shall be permitted in Commercial and Industrial districts including, GC and ID.

- (a) One freestanding or projecting advertising display sign not to exceed seventy-five (75) square feet. The maximum height for freestanding signs is fifty (50) feet.
- (b) One attached wall sign ten (10) percent of the building street front. Elevation is not to extend above the eave line of a building to which it is attached.

(3) Shopping Centers/Malls

The following permanent on-premise signs shall be permitted for shopping centers/malls.

- (a) One identification sign noting the name of the shopping center or mall. A freestanding sign shall be one square foot of sign area per one linear foot of street frontage, not to exceed 200 square feet per face of sign. Maximum height for such signs shall be fifty (50) feet.
- (b) One attached identification sign, ten (10) percent of the building street front elevation, not to exceed 200 square feet.
- (c) One wall (facade) sign for each shopping center tenant or thirty-two (32) square feet or less each.

(4) Office and Multi-Family Residential Uses

The following permanent on-premise signs shall be permitted for Office and Multi-Family Residential uses including RANC and GC districts.

- (a) One freestanding sign structure or wall

sign identifying a Multi-Family Residential complex no more than thirty-two (32) square feet in total sign area, with a maximum height of ten (10) feet.

- (b) One freestanding sign or wall sign identifying the office building not more than thirty-two (32) square feet, with a maximum height of twelve (12) feet. One wall or freestanding directory sign located adjacent to each building entrance with a maximum size of eight (8) square feet per sign. Wall signs identifying individual offices not to exceed two (2) square feet per sign.

Section 6 - Height and Area Special Exceptions

The following requirements or regulations qualify or supplement the District requirements appearing elsewhere in these Regulations.

- (1) Commercial and industrial buildings where permitted in a district may be increased in height when the building is set back from the required yard lines one foot for each three feet such building exceeds the height limit otherwise provided in the district in which the building is built.
- (2) Chimneys, water tanks or towers, scenery lofts, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, antennas, monuments, cupolas, domes, steeples, false mansards, parapet walls, similar structures, and necessary mechanical appurtenance may exceed required maximum heights in any district.
- (3) Public or semi-public buildings, hospitals, sanitariums, schools and churches or temples where permitted in a district may be increased in height when the front, rear and side yards are increased an additional foot for each three feet such building exceeds the height limit otherwise provided in the district in which the building is built.
- (4) Every part of a required setback area shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves provided that none of the above projections shall project into a minimum side yard more than 24 inches.
- (5) Any projection into a minimum yard area acceptable under the Standard Building Code, including stairways

and balconies and the ordinary projections of chimneys and flues, may be permitted in the same area placed so as not to obstruct light and ventilation. The same shall not be considered as increasing the floor area of the building.

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Section 7 - Riverine Setback

Holmes County recognizes the importance of wetlands and areas of water-land interface in maintaining a healthy environment. The integrity of these sensitive areas will be protected by requiring riverbanks to be retained in their natural state along with the banks of all riverine systems to the extent possible. This section is established to attain the following objectives:

- (1) prevent and/or reduce erosion
- (2) trap the sediment in overland run-off
- (3) protect indigenous wetlands flora, fauna, and habitat,
- (4) retain and enhance physical and visual aesthetics of riverine systems.

In riverine systems areas, there shall be no new construction except docks, walkways, piers, bridges, and boathouses within a minimum of 30 feet from the top of the generally recognized river or creek bank, during periods of Ordinary Low Water conditions. These restrictions apply to all the unincorporated areas of Holmes County under the jurisdiction of the Board of County Commissioners which front on or are contiguous to all rivers and waterways within the unincorporated areas of the County. All applicable federal and state permits shall be obtained prior to issuance of a Land Use Certificate for construction fronting on or contiguous to these waters.

- (1) The following exceptions to the Riverine Setback (RS) line are provided.
 - (a) If the possibility exists that significant wetlands extend landward of the RS line, as determined from either a Department of the Interior Wetlands Inventory Map or a copy of the most current Federal Emergency Management Agency Flood Hazard Boundary Map, the applicant will be required to provide the County with a letter from the Department of Environmental Regulation indicating that no significant environmental impact will occur if a Land Use Certificate is granted.
 - (b) If the applicant requests siting of a structure or conducting an activity prohibited by this Ordinance waterward of the RS line by no more than 15 feet and the possibility exists that no wetlands or

highly eroding lands are present between the RS line and the water's edge, as determined by a Department of the Interior Wetlands Inventory Map or a copy of the most current Federal Emergency Management Agency Flood Hazard Boundary Map, the applicant will be required to provide the County with a letter from the Department of Environmental Regulation indicating that no significant environmental impact will occur if a Land Use Certificate is granted.

- (2) The use of natural means, i.e. vegetation, shall be used to stabilize erosion prone areas and shall be designed and implemented in accordance with sound environmental and engineering practices. Natural erosion control methods create a buffer zone providing for a greater chance of natural recovery, the normal progress of natural processes, and the entrapment of sediment laden waters.
 - (a) The vegetation used in erosion control methods shall be those indigenous to the region.
 - (b) Site grading, excavating or other activities which significantly disturb the property shall not be allowed waterward of the RS line unless those activities are consistent with the intent of this ordinance and specifically authorized by a County permit.
 - (c) Enhancement or riverbank protection structures shall be placed as specified in subsections (3) and (4) below. If not specified, the location of the structure will be determined by a registered Professional Engineer, and shall be consistent with the provisions of this subsection.

- (3) The use of rigid river bank protection structures shall not be permitted except where otherwise stated in this Ordinance. The use of rigid river bank protection structures may cause significant environmental impacts. These impacts can result in increased overland runoff, loss of valuable topsoil, increased water turbidity, loss of wildlife habitat, and the loss of the natural amenity associated with river front areas. If available engineering data indicates that rip-rap, sloping revetments, and other enhancement structure methods in combination with

revegetation, are the only effective means to protect an area, and all state and federal permits are obtained, the proposed device will be evaluated on a case-by-case basis with a variance required from the Board of County Commissioners. Where applicable, the decision to grant a variance shall be based on river flow and sedimentation data provided by a registered Professional Engineer knowledgeable in hydrological processes.

Upon the granting of a variance, the approved structure will be subject to a trial period of 360 days. The structure shall comply with appropriate state and federal regulations and cause no significant adverse impact to the adjacent or downstream property owners or to the environment. If state and federal permits are not required, the appropriate agencies shall be notified of the request.

(a) Construction of rigid river bank protection structures designed primarily to protect minor structures (as defined by Chapter 16B-33, F.A.C.), or nonhabitable major structures, shall not be permitted. Excluded from this prohibition are structures which are designed to protect major public roads, highways, water or sewage treatment plants, or public power facilities.

1. In those instances where a rigid protection structure is the only feasible means of protecting an existing habitable major structure, major public road, highway, water or sewage treatment plant, or public power facility, the rigid river bank protection structure shall be located as far landward as possible, consistent with design and construction requirements.

(2) Proposed rigid river bank protection structures shall be designed to minimize erosive and scour effects. Sloping rock revetments, rubble mound structures, and toe-scour protection are required in front of vertical bulkheads.

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- (b) A property with frontal coverage of a rigid river bank protection structure, except those specified in 3)b.(1), may have the length of the protection structure limited in order to minimize adverse impacts to adjacent property not protected by rigid river bank protection structures. The owner of a proposed rigid river bank protection structure shall protect the ends of the structure according to sound hydrological engineering practice.
 - (c) The selection of material and design of revetments, rubble mounds or similar structures, shall be based on accepted State of Florida guidelines.
- (4) The repair of an existing functional river bank protection structure shall be exempted from the setback of this Ordinance. Repair is defined as the mending of a structure in which no more than fifty percent of the structure requires replacement. Prior to the repair of any river bank protection structure, the property owner must notify the County of the intended work, the extent of the work contemplated, notify all appropriate state and federal agencies, and meet all state and federal regulations.
 - (a) If more than fifty percent of a river bank protection structure must be replaced, the provisions of this Ordinance shall apply.
 - (b) An abandoned rigid river bank protection structure shall be removed by the owner within a reasonable period of time as specified by the County Building Official.
- (5) This ordinance shall not be construed as to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency (as defined by Chapter 16B-33, F.A.C.) and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of life and property.
 - (a) A report of any such emergency action shall be made to the County Building Official or County Engineer by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but no more than ten calendar days following such action. Remedial action may be required by the

County Building Official or County Engineer subject to appeal to the Board of County Commissioners in the event of a dispute.

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- (6) The Board of Adjustment (BOA), as established by Holmes County, shall hear and make recommendations to the Board of County Commissioners who shall decide appeals and requests for variance from the requirements of this Section as provided for by Article VIII of this Ordinance.

ARTICLE VIII

LAND USE REGULATIONS BOARD OF ADJUSTMENT

Section 1 - Establishment and Procedure

A Board to be known as the "Land Use Regulations Board of Adjustment (BOA)" is hereby established. The Board of Adjustment shall hear and make recommendations to the Board of County Commissioners that requests for Variances and Special Exceptions be granted or denied. Said BOA shall also hear, and make recommendations, to the Board of County Commissioners concerning appeals made by those persons aggrieved by interpretations of administration of these Regulations. The BOA shall consist of five voting members, serving three year terms, appointed upon request of the Chairman of the Board of County Commissioners and upon confirmation of the Board of County Commissioners, and one non-voting member (ex-officio), nominated by the Board of County Commissioners.

The BOA shall elect a Chairman and Vice-Chairman from among its members. All meetings and hearing shall be held at the call of the Chairman or Vice-Chairman, and shall be open to the public. The BOA shall adopt its own rules of procedure not in conflict with these Regulations or with the applicable statutes of the State of Florida.

Any member of the BOA may be removed for cause by the Board of County Commissioners.

Section 2 - Powers and Duties

The BOA shall have the following jurisdiction and authority:

A. Special Exceptions

- (1) The BOA is authorized to hear and recommend to the Board of County Commissioners action to approve or disapprove only such Special Exceptions as specifically authorized by these Regulations. The Board of County Commissioners may decide: (a) questions involved in determining whether Special Exceptions should be granted; (b) to grant Special

Exceptions with such conditions and safeguards that are appropriate under these Regulations; or (c) to deny Special Exceptions when not in harmony with the purpose and intent of these Regulations. A Special Exception shall not be recommended by the BOA or granted by the Board of County Commissioners unless:

- (a) a written application for a Special Exception is submitted indicating the section of this Ordinance under which the Special Exception is sought and stating the grounds on which it is requested.
 - (b) a public hearing is held by the Board of County Commissioners. The owner of the property for which Special Exception is sought, or agent for the owner, and the owners of the property within 500 feet of the affected property, shall be notified by regular mail, at least 15 days prior to the public hearing. Notice of such hearing shall be posted in a conspicuous spot on the property for which Special Exception is sought, at the Holmes County Courthouse, and published in a newspaper of general circulation in Holmes County 15 days prior to the public hearing. When the Board of County Commissioners calls a public hearing, the applicant shall deposit with the Board of County Commissioners an amount to be determined by the Board of County Commissioners, to cover the cost of hearing, publication and distribution of notice.
- (2) Before any Special Exception shall be issued, the Board of County Commissioners shall make written findings certifying compliance with the specific rules governing individual special exceptions, and that satisfactory provision and arrangement have been made concerning the following where applicable:
- (a) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (b) The noise, glare, or odor effects of the Special Exception on adjoining properties and properties generally in the District.
 - (c) Refuse and service areas with particular

reference to items (a) and (b) above.

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- (d) Utilities with reference to location, availability, and compatibility.
 - (e) Screening and buffering with reference to type, dimensions and character.
 - (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and compatibility and harmony with properties in the District.
 - (g) Required yards and other open space.
 - (h) General compatibility with adjacent properties and other property in the District.
- (3) The Board of County Commissioners may impose such conditions on the granting of the Special Exception as may be necessary to prevent injurious effects on other property in the District.
- (4) Notification: Within 15 days of the date of public hearing, the Board of County Commissioners shall send to the person or entity requesting the Special Exception, a notification of the action taken and the finding of fact upon which such action was taken.

B. Variances

- (1) The BOA may, upon appeal, authorize such variance from the terms of this title as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary and undue hardship. In order to authorize any variance from the terms of this title, the BOA must find:
- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
 - (b) That the special conditions and circumstances do not result from the actions of the applicant;
 - (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to

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- other lands, buildings, or structures in the same zoning district;
- (d) That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title and would wreak unnecessary and undue hardship on the applicant;
 - (e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - (f) That the grant of the variance will be in harmony with the general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
 - (g) That the variance will not constitute any change in the districts shown on the zoning map, will not impair an adequate supply of light and air to adjacent property, will not materially increase the congestion of public streets, or increase the danger of fire, will not materially diminish or impair established property values within the surrounding area, and will not otherwise impair the public health, safety, morals and general welfare of the county.
- (2) In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of the code.
- (a) The BOA may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.
 - (b) Under no circumstances, except as permitted above, shall the BOA grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by

the terms of this title in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

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C. Appeals

Appeals from decisions of the Enforcing Officer may be taken to the BOA by any person aggrieved by interpretation or administration of these Regulations. Such appeal shall be submitted within 30 days of the decision over which such appeal is made, by filing a Notice of Appeal specifying the grounds for appeal. The Enforcing Officer shall forward copies of all papers constituting the record upon which the original action was taken to the BOA.

The BOA shall fix a reasonable time for hearing the appeal, give public notice thereof, and give due notice to the interested parties. A recommendation to the Board of County Commissioners shall be made by the BOA within 15 days from the date the appeal was filed. Any party may appear at the hearing in person or be represented by an agent or attorney.

Notification: The BOA shall, within 15 days of the date of hearing, file with the Board of County Commissioners notification of the recommendation on the matter and the finding of fact upon which the recommendation was based.

ARTICLE IX

ENFORCEMENT AND PENALTY

Section 1 - Enforcement

The County Building Inspector or his duly authorized representative is hereby designated the Enforcing Officer and is authorized to enforce these Regulations.

Section 2 - Misdemeanor

Any person who shall violate any of the provisions of these Regulations, or amendments thereto, or who shall fail, neglect or refuse to comply with any order or notice pursuant to, and by authority of, these Regulations, shall be guilty of a misdemeanor of the second degree and shall be subject to the punishment as prescribed by law.

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Section 3 - Injunctive Relief

Upon approval of the Board of County Commissioners, the Enforcing Officer may institute a civil action, in a court of competent jurisdiction, to seek injunctive relief to enforce compliance with these Regulations. The bringing of an action requesting injunctive relief shall not limit or prohibit the issuance of an injunction for any other violation of these Regulations. All of the judicial and administrative remedies that are provided within these Regulations shall be independent and cumulative.

Section 4 - Daily Penalties

For the purpose of these Regulations, a separate offense shall be deemed committed for each day a violation of these Regulations exists, said time commencing at the time of notifying the offender of the violation.

ARTICLE X

MANDATORY REVIEW

At least once every five years, commencing from the date of adoption of these Regulations, the Planning Board, assisted by the BOA and the Enforcing Officer, shall review these Regulations, determine any changes necessary and recommend any required amendments to the Board of County Commissioners.

ARTICLE XI

AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS TO AMEND, SUPPLEMENT, OR REPEAL

Section 1 - Authority

The Board of County Commissioners may from time to time, on its own motion, or on petition, or on recommendation of the planning board or the BOA, or any department or agency of the County, amend, supplement, change, modify or repeal the regulations, restrictions or District boundaries set out in these Regulations.

A. **Filing of Application.** Comprehensive plan amendments and rezoning requests shall be considered twice a year by the Planning Board and the County Commission. The petitioner shall be required to complete the following steps in filing an application for a zoning amendment:

- (1) An application for zoning amendment shall be filed, with a fee determined by the County Commission, in the planning department which sets forth: (1) a legal description of the property proposed to be rezoned; (2) ownership of the property; (3) existing zoning; (4) desired zoning; (5) whether or not the rezoning is

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consistent with the comprehensive plan; and (6) reason for the rezoning request. Rezoning requests must be submitted to the planning department at least thirty (30) working days prior to the required public hearing.

- (2) The planning board may review the rezoning and comprehensive plan amendment and make a recommendation to the County Commission.
- (3) The applicant shall secure a list from a local title company of current property owners within a five hundred (500) foot radius of the proposed rezoning. Public notices (copy of letter and map provided by the planning department) shall be mailed certified, return-receipt mail, at applicant's expense, at least thirty (30) days prior to scheduled County Commission public hearing dates. Notice shall state date of both public hearings required by the Commission. This requirement only applies to areas encompassing less than five (5) percent of the total County land area. Plan amendments and rezonings which encompass more than five (5) percent of the total County land are not required to provide mailed notice.
- (4) The planning department shall place a sign on the property to be rezoned announcing date, time and location of the county commission public hearings at least seven (7) days prior to the hearing.
- (5) The applicant shall publish a one-quarter-page display advertisement with a map in the newspaper, with type no smaller than eighteen (18) point in the headline. The first ad shall be published approximately seven (7) days prior to the first public hearing and the second ad shall be published approximately five (5) days prior to the second public hearing.
- (6) At least five (5) days prior to the first public hearing, the applicant shall file with the County Clerk an affidavit showing lands that lie within a five hundred (500) foot radius of the property requested to be rezoned, the names of the owners of said lands, legal descriptions, the date and post office address to which each copy was mailed, and the return receipt notices that were mailed, received or returned.
- (7) The County Commission shall hold two (2) public hearings, as advertised above in subsection (1)(e). Both hearings shall be held after 5:00 p.m. on a weekday. The law requires that the two (2) hearings be held approximately two (2) weeks apart. The first reading of the comprehensive plan amendment ordinance

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and the rezoning ordinance may be read at the second public hearing with the plan amendment ordinance read first. The second reading of both ordinances may be read in the same order at the next regularly scheduled Commission meeting.

- (8) If a rezoning or change of permitted use of a parcel is proposed by the owner of the parcel, or another interested person, it shall be the responsibility of such owner, or other interested person to comply with the provisions of this chapter. If such rezoning or change or permitted use is proposed by the County, its staff, or the planning board, it shall be the responsibility of the County to comply with the provisions of this chapter.
- (9) Subsections (c) through (f) above shall not be applicable to proposals initiated by the County to rezone or change the permitted use of more than five (5) percent of the total land area of the County. In such cases, the procedure noted below shall be followed:
 - (a) Public notification of minor language amendments to zoning regulations, including added definitions; minor setback and height requirement amendments; addition of permitted uses which have been allowed by interpretation in the past; and editorial revisions which do not amend substance shall be provided through the publication of a one-quarter-page newspaper advertisement, as set forth in Section 166.041 (3)(c)(2)(a) and (b), Florida Statutes, (1985).
 - (b) Public notice of actual zoning changes, including zoning district boundary changes; consolidation or division of existing zones involving substantive changes; and the addition of new zoning districts shall be mailed by first class mail at least thirty (30) days prior to the County Commission public hearing to consider the change to every owner of real property, as identified by the current tax roll, within five hundred (500) feet of the boundaries of the subject parcel to be changed. A legal notice of the public hearing shall also be published in the newspaper at least thirty (30) days prior to the hearing.

B. Planning board review and recommendation. The planning board

shall review the proposed zoning amendment and comprehensive plan amendment at a regularly scheduled planning board meeting and make a recommendation to the County Commission. Such recommendation:

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- (1) Shall be for approval, approval with modification, or denial, including reasons for any modifications or denial.
- (2) Shall include consideration of the following criteria:
 - (a) Whether the proposal is consistent with the comprehensive plan, specifically identifying any inconsistencies. If the zoning amendment is not consistent with the comprehensive plan and the board recommends approval of said amendment, then the board shall also recommend an amendment to the comprehensive plan.
 - (b) Whether, and the extent to which, the proposal would result in incompatible land use considering the type and location of the proposed amendment and the surrounding land use.
 - (c) Whether, and the extent to which, the proposed amendment would affect the carrying capacity of public facilities and services.
 - (d) Whether the proposed amendment would be in conflict with the public interest and welfare.
 - (e) Whether, and the extent to which, the proposed amendment would adversely affect the property values in the area.
 - (f) Whether, and the extent to which, the proposed amendment would result in significant adverse impact on the natural environment.
 - (g) The relationship of the proposed amendment to proposed public and private projects (i.e., street improvements, redevelopment projects, etc.).

C. County Commission Review and Action.

- (1) **Notice and public hearing.** The county commission shall hold a public hearing on the proposed zoning amendment and comprehensive plan amendment, at a county commission meeting. Public notice shall be

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provided as outlined in subsection (A)(1).

(2) **Action.** The County Commission shall review the proposed zoning amendment and the comprehensive plan amendment, and the recommendation of the planning board and either approve, approve with modification, or deny the proposed amendment(s) at the County Commission public hearings.

(a) If the zoning amendment and comprehensive plan amendment is approved by the County Commission, an ordinance will be drawn and read at two (2) separate meetings following the public hearing. The ordinance amending the comprehensive plan and adopting the zoning amendment shall be presented to the County Commission for two (2) readings, as specified in subsection (A)(1)(g).

D. **Limitation on subsequent application.** Whenever an amendment is denied by the County Commission, no new application or identical rezoning of the same parcel shall be accepted for consideration within a period of twelve (12) months of the decision of denial.

ARTICLE XII

SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase or portion of these Regulations is for any reason found void, invalid, unlawful, or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed to be a separate, distinct, independent, and severable provision and such holding shall not affect the validity of the remaining portions of these Regulations.

ARTICLE XIII

HIGHER STANDARDS

Where any section, subsection or phrase of these Regulations may be deemed to be in conflict with any section, subsection, sentence or phrase of any other regulation or ordinance of Holmes County, Florida, the regulation or ordinance requiring the higher standard shall prevail.

ARTICLE XIV

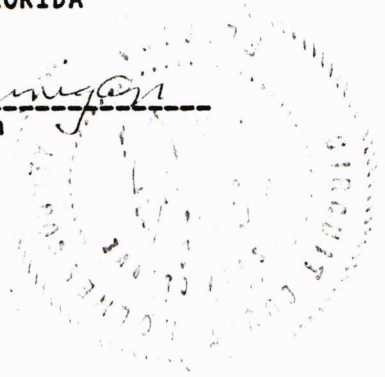
EFFECTIVE DATE

These Regulations shall take effect upon receipt of notice of filing from the Secretary of State.

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BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA

By: Paul Jensen
Vice - Chairman

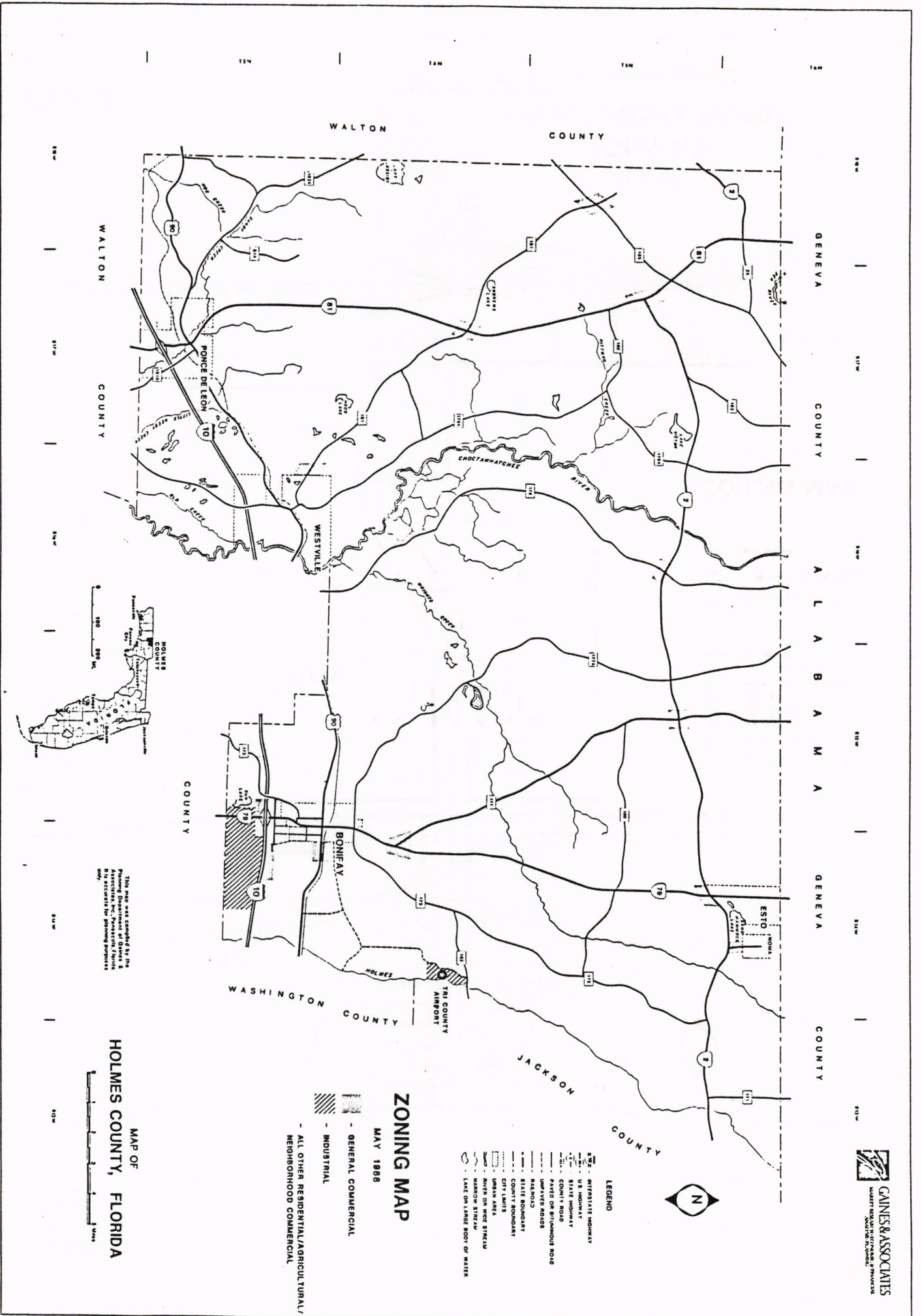


ATTEST:

By: Cody [Signature]

(SEAL)

ADOPTED: May 16, 1988



ZONING MAP

MAY 1988

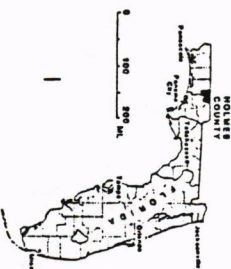
- INDUSTRIAL
- GENERAL COMMERCIAL
- ALL OTHER RESIDENTIAL/AGRICULTURAL/NEIGHBORHOOD COMMERCIAL

- LEGEND**
- INTERSTATE HIGHWAY
 - U.S. HIGHWAY
 - STATE HIGHWAY
 - COUNTY ROAD
 - COUNTY ROAD IMPROVED ROAD
 - COUNTY ROAD
 - STATE ROAD
 - STATE BOUNDARY
 - COUNTY BOUNDARY
 - CITY LIMITS
 - UNBUILT AREA
 - HIGHWAY ON WIRE STRUNG
 - HIGHWAY ON WIRE STRUNG
 - LAKE ON LAND BODY OF WATER

MAP OF
HOLMES COUNTY, FLORIDA



This map was compiled by the Planning Department of Gaines & Associates, Inc. for the purpose of zoning purposes only.



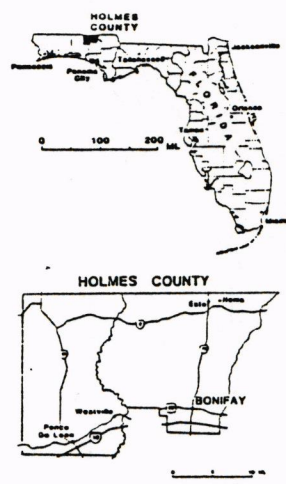


GAINES & ASSOCIATES

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- LEGEND**
- INTERSTATE HIGHWAY
 - U.S. HIGHWAY
 - STATE HIGHWAY
 - COUNTY ROAD
 - PAVED OR BITUMINOUS ROAD
 - UNPAVED ROADS
 - RAILROAD

- RANC - RESIDENTIAL/AGRICULTURAL/NEIGHBORHOOD COMMERCIAL
- GC - GENERAL COMMERCIAL
- ID - INDUSTRIAL

ZONING MAP

MAY 1988

GC ZONE CONTINUES APPROX. .8 MILES EAST

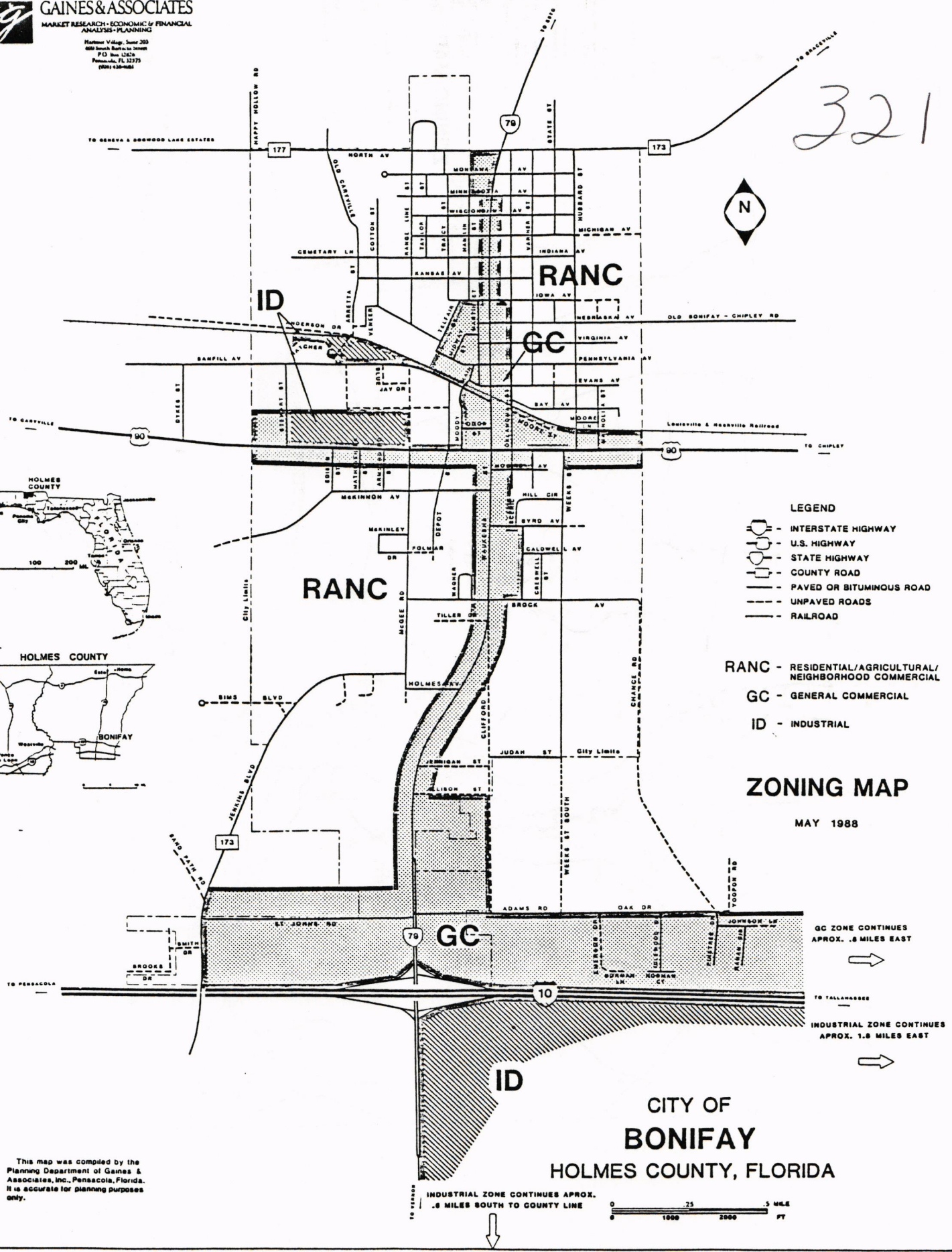
INDUSTRIAL ZONE CONTINUES APPROX. 1.8 MILES EAST

INDUSTRIAL ZONE CONTINUES APPROX. .8 MILES SOUTH TO COUNTY LINE



This map was compiled by the Planning Department of Gaines & Associates, Inc., Pensacola, Florida. It is accurate for planning purposes only.

CITY OF BONIFAY HOLMES COUNTY, FLORIDA

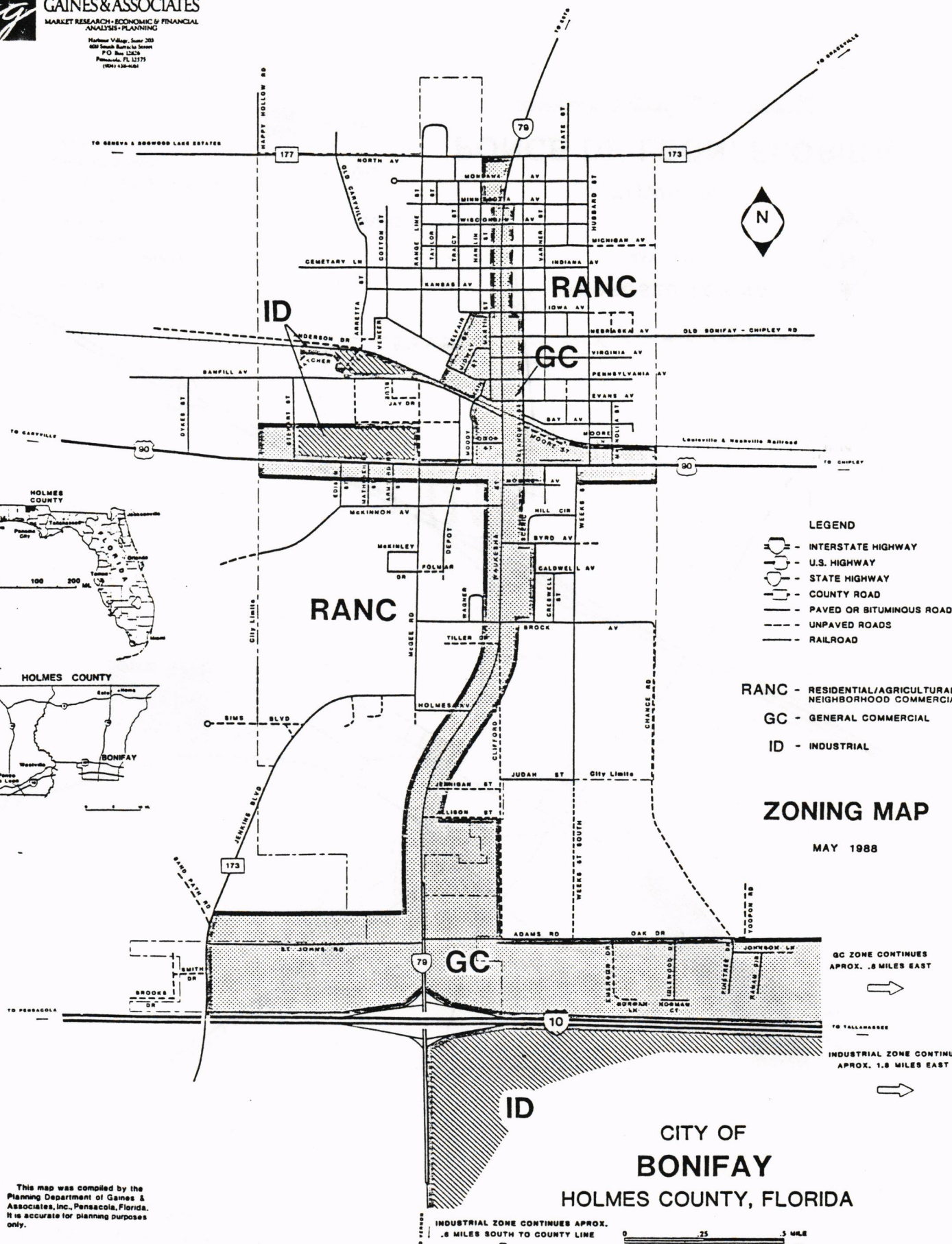
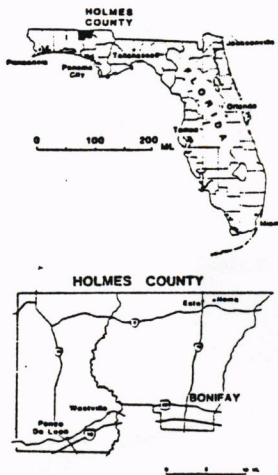




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Holmes V. Gay, Owner
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- LEGEND**
- INTERSTATE HIGHWAY
 - U.S. HIGHWAY
 - STATE HIGHWAY
 - COUNTY ROAD
 - PAVED OR BITUMINOUS ROAD
 - UNPAVED ROADS
 - RAILROAD

- RANC** - RESIDENTIAL/AGRICULTURAL/NEIGHBORHOOD COMMERCIAL
- GC** - GENERAL COMMERCIAL
- ID** - INDUSTRIAL

ZONING MAP

MAY 1988

GC ZONE CONTINUES APPROX. .8 MILES EAST

INDUSTRIAL ZONE CONTINUES APPROX. 1.8 MILES EAST

INDUSTRIAL ZONE CONTINUES APPROX. .8 MILES SOUTH TO COUNTY LINE

**CITY OF BONIFAY
HOLMES COUNTY, FLORIDA**

This map was compiled by the Planning Department of Gaines & Associates, Inc., Pensacola, Florida. It is accurate for planning purposes only.



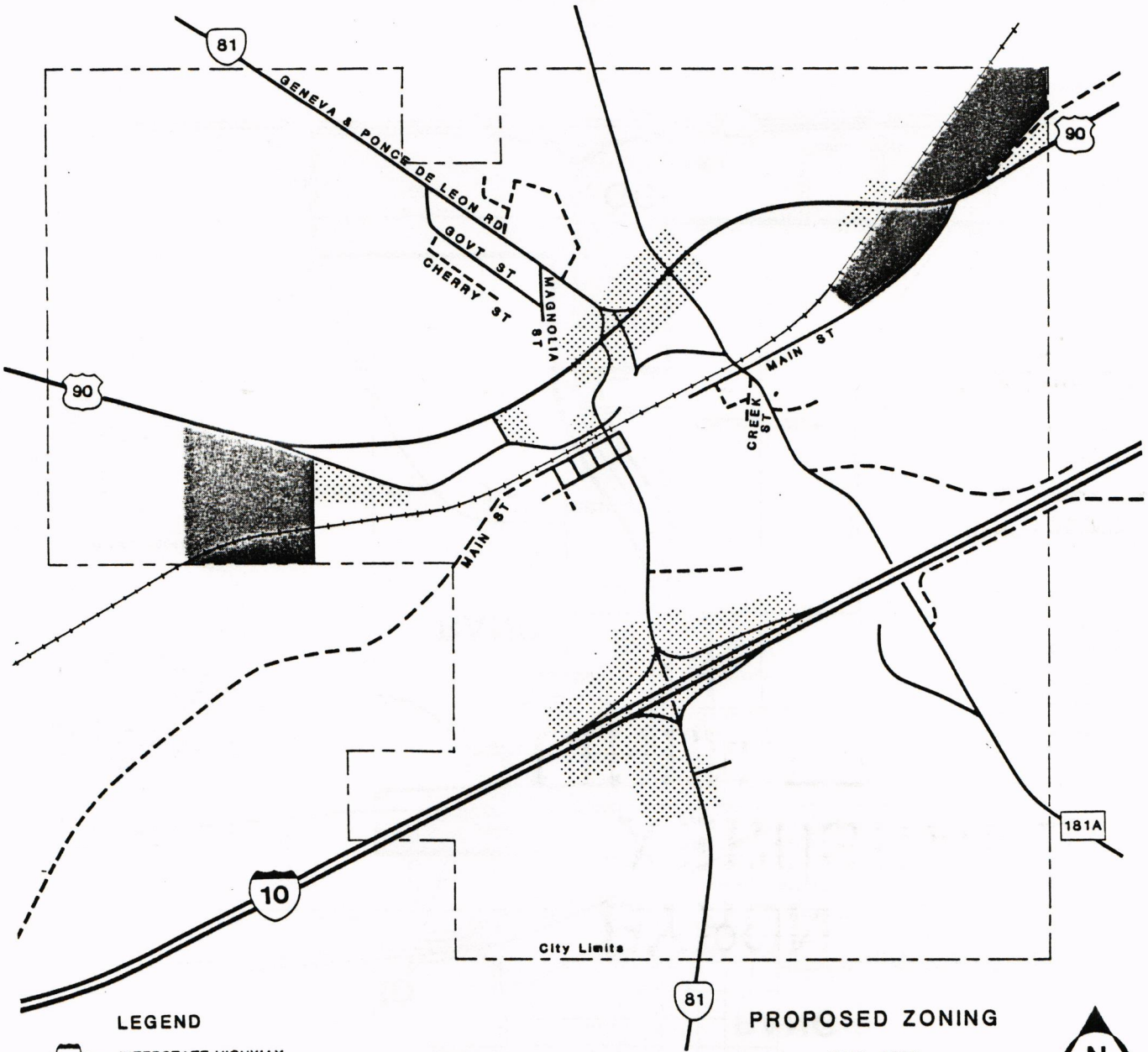


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ANALYSIS - PLANNING

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P.O. Box 12826
Pensacola, FL 32273
(904) 438-4061

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LEGEND

- INTERSTATE HIGHWAY
- U.S. HIGHWAY
- STATE HIGHWAY
- COUNTY ROAD
- PAVED OR BITUMINOUS ROAD
- UNPAVED ROADS
- RAILROAD

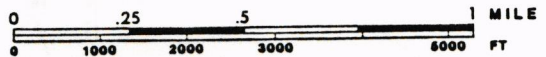
- RANC
- GC
- ID

PROPOSED ZONING

MAY 1988.

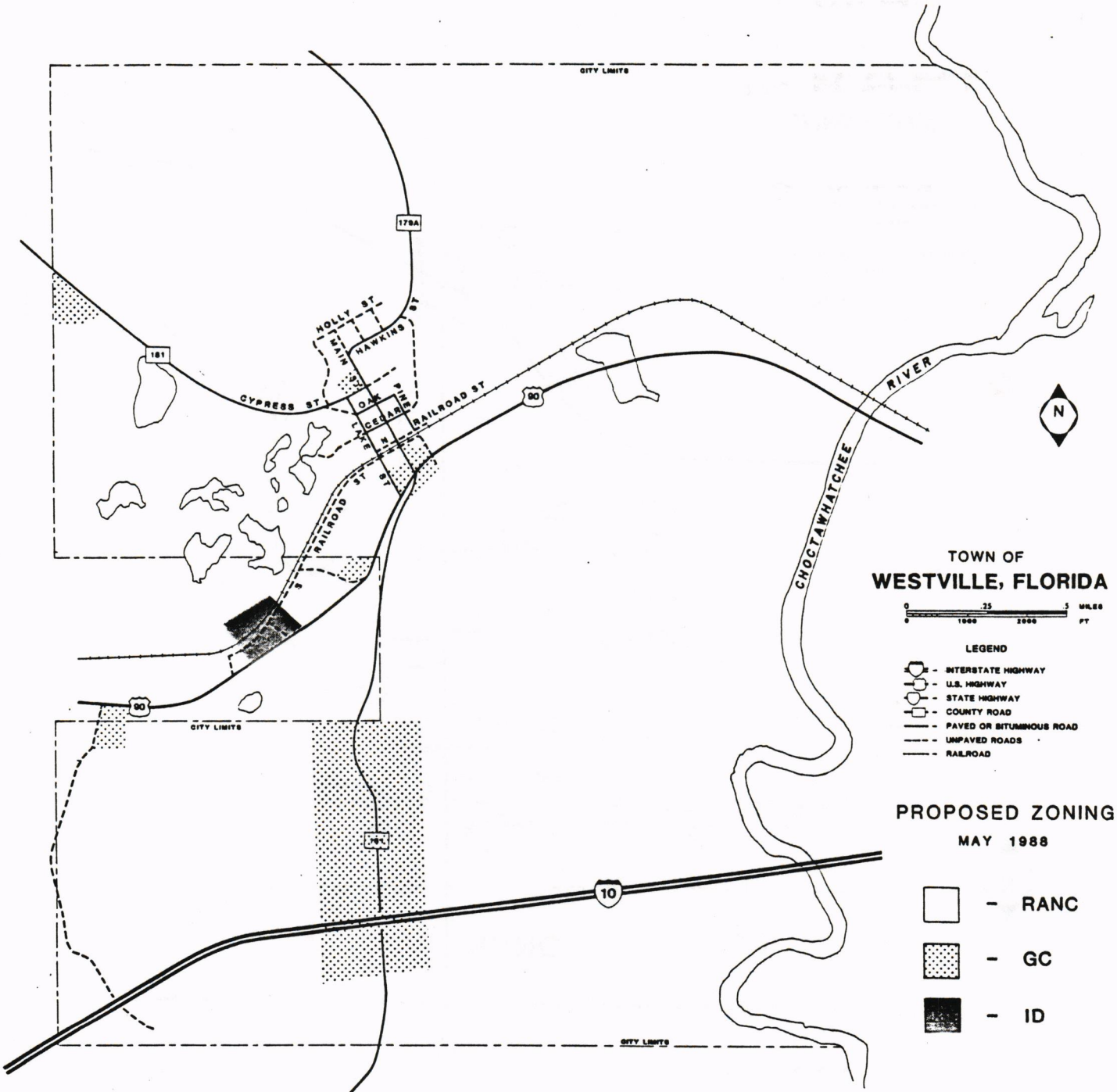


TOWN OF PONCE DE LEON, FLORIDA



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 ANALYSIS - PLANNING
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 400 South Woodland Avenue
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 Pensacola, FL 32509
 (904) 438-0884



TOWN OF WESTVILLE, FLORIDA

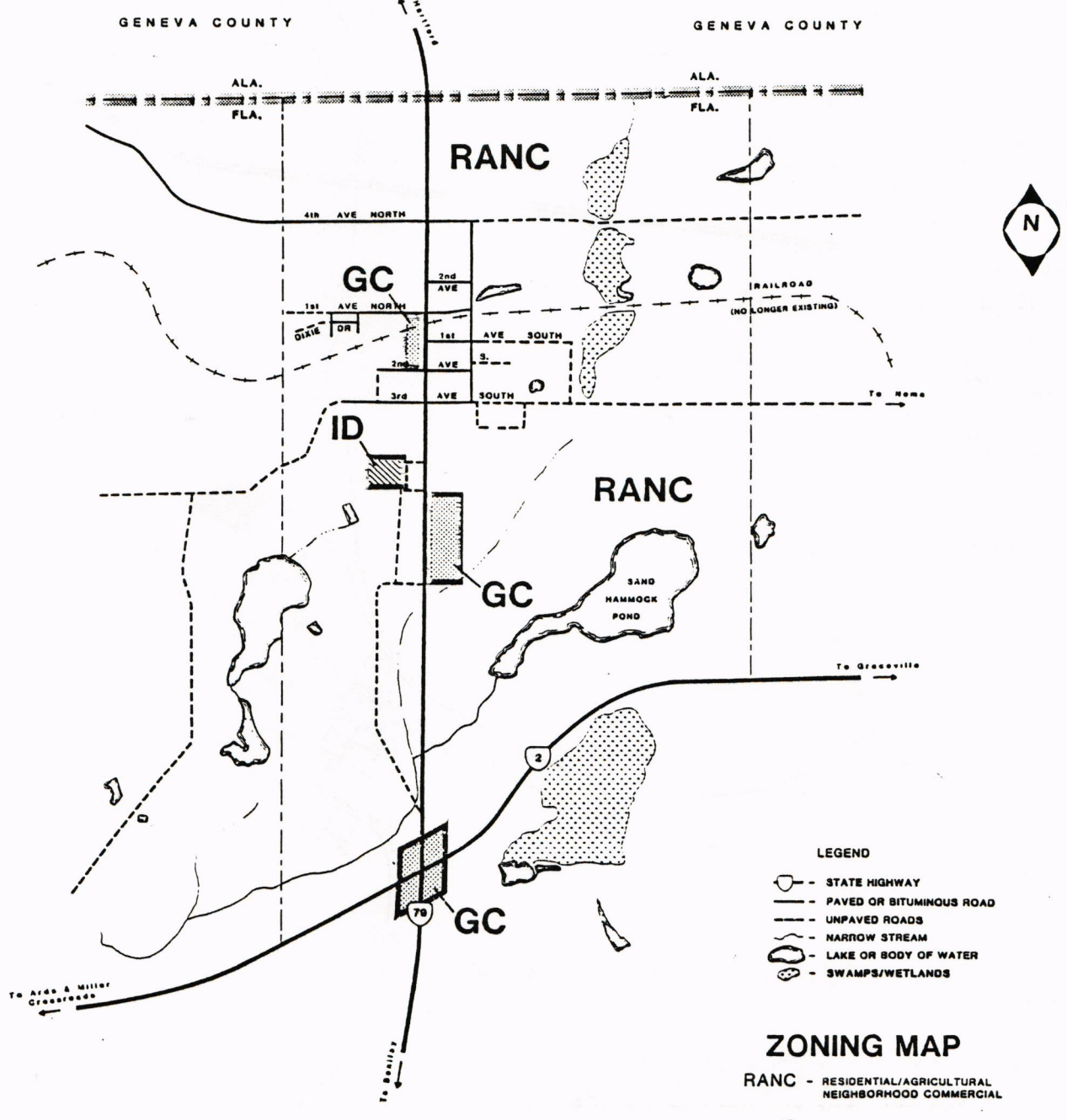
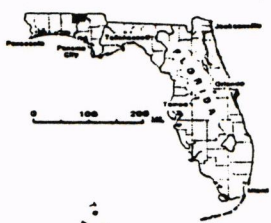
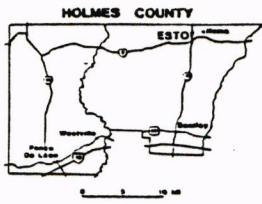
0 2.5 5 MILES
 0 1000 2000 FT

- LEGEND**
- INTERSTATE HIGHWAY
 - U.S. HIGHWAY
 - STATE HIGHWAY
 - COUNTY ROAD
 - PAVED OR BITUMINOUS ROAD
 - UNPAVED ROADS
 - RAILROAD

**PROPOSED ZONING
 MAY 1988**

- RANC
- GC
- ID

325



- LEGEND**
- STATE HIGHWAY
 - PAVED OR BITUMINOUS ROAD
 - UNPAVED ROADS
 - NARROW STREAM
 - LAKE OR BODY OF WATER
 - SWAMPS/WETLANDS

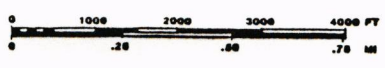
ZONING MAP

- RANC - RESIDENTIAL/AGRICULTURAL NEIGHBORHOOD COMMERCIAL
- ID - INDUSTRIAL
- GC - GENERAL COMMERCIAL

TOWN OF ESTO
HOLMES COUNTY, FLORIDA

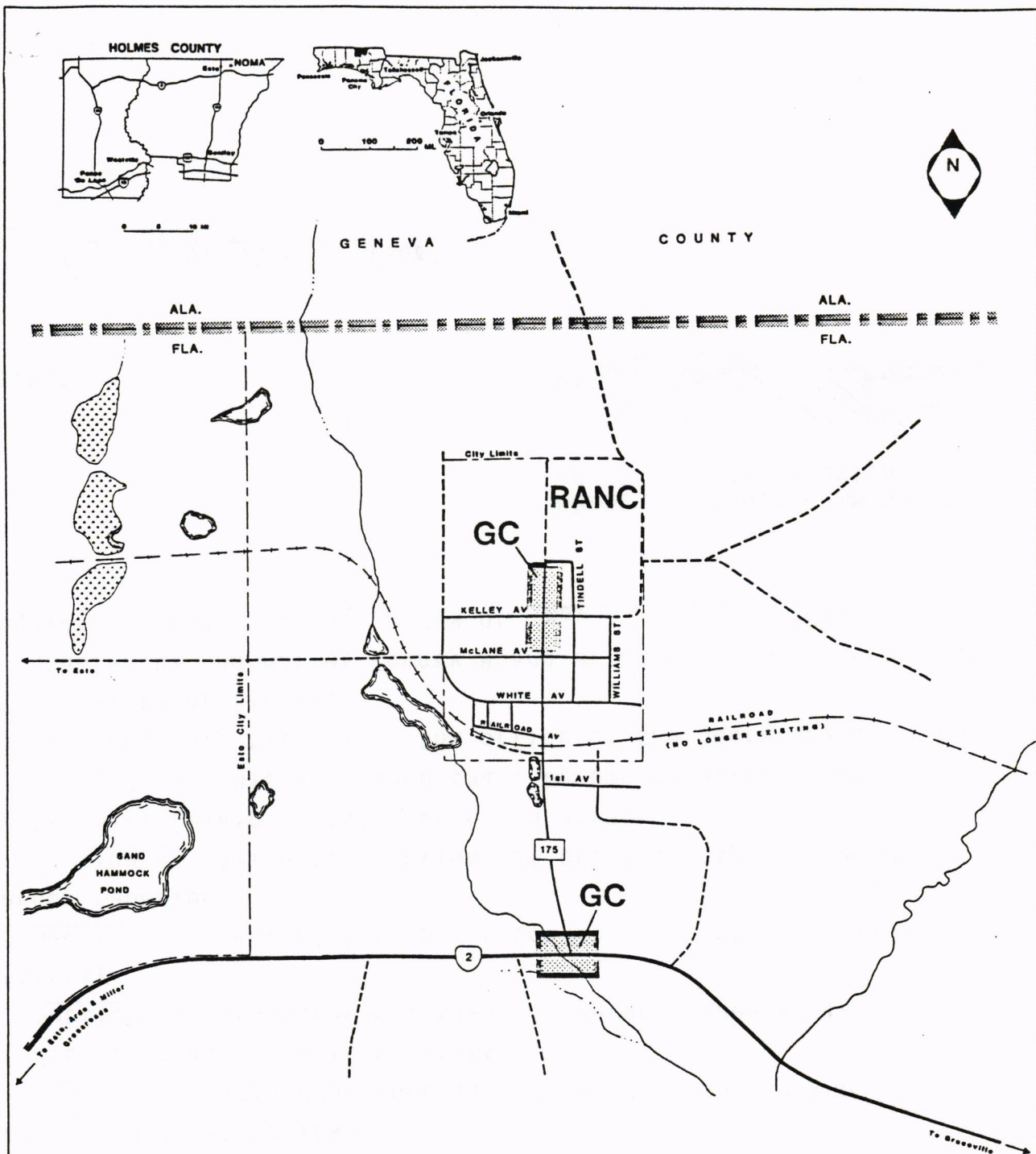
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 (904) 438-0888

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MAY 1988

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LEGEND

- STATE HIGHWAY
- COUNTY ROAD
- PAVED OR BITUMINOUS ROAD
- UNPAVED ROADS
- NARROW STREAM
- LAKE OR BODY OF WATER
- SWAMPS/WETLANDS

ZONING MAP

- RANC - RESIDENTIAL/AGRICULTURAL NEIGHBORHOOD COMMERCIAL
- GC - GENERAL COMMERCIAL

MAY 1988

TOWN OF
NOMA
HOLMES COUNTY, FLORIDA

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