

Holmes County Ordinance No. 24-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, AMENDING THE PRIOR ADOPTED LAND DEVELOPMENT REGULATIONS, SPECIFICALLY CHAPTER II, ADDING SECTION 2.03.00 CONCERNING CONDITIONAL USES, THE PURPOSE OF WHICH IS TO PROVIDE ADDITIONAL FLEXIBILITY IN THE ZONING PROCESS WHERE A PARTICULAR USE MIGHT NOT BE SPECIFICALLY ALLOWED IN A PARTICULAR ZONE BUT WOULD STILL BE COMPATIBLE WITH ALLOWED USES IN THAT ZONE WHEN CERTAIN QUALIFYING CONDITIONS ARE APPLIED; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Holmes County Board of County Commissioners recognizes the dynamic nature of urban development and the need for periodic review and updates to its Land Development Regulations to ensure it aligns with contemporary standards and practices;

WHEREAS, the Holmes County Planning Commission, after thorough deliberation and public input, has recommended certain amendments to the existing Land Development Code to promote sustainable development, enhance community aesthetics, and address emerging challenges;

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

Section 1: Purpose and Intent

This ordinance is enacted to further the goals and objectives of the County's comprehensive plan by amending specific provisions of the Land Development Regulations. The amendments aim to foster responsible land use, encourage economic vitality, and ensure the long-term well-being of the community.

Section 2: Findings

- (a) The County Planning Commission has conducted a comprehensive review of the current Land Development Code.
- (b) Through this review process, the Planning Commission has identified areas that require modification to address evolving land use patterns, promote environmental sustainability, and enhance the overall quality of life for residents.

Section 3: Public Participation

In accordance with applicable state and local laws, the proposed amendments have undergone a public participation process, including public hearings, stakeholder consultations, and opportunities for citizen input. The feedback received has been considered in the formulation of these amendments.

Section 4: Effective Date

This ordinance shall take effect immediately, upon approval by the Board of County Commissioners.

Section 5: Severability

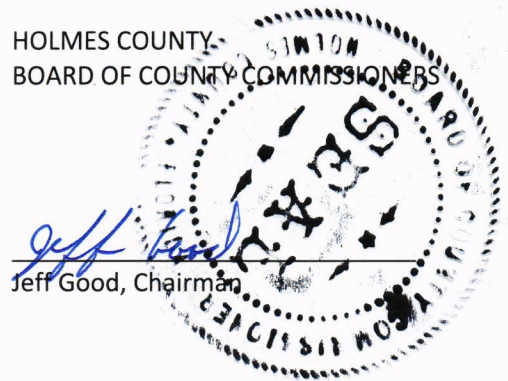
If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances shall not be affected.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the County Commission of Holmes County, Florida this 20 day of February 2024.

ATTEST:



HOLMES COUNTY
BOARD OF COUNTY COMMISSIONERS



New language to be added to Chapter II of the Holmes County Land Development Regulations:

2.03.00 – CONDITIONAL USES

2.03.01 Purpose

Conditional uses are intended to provide additional flexibility in the zoning process where a particular use might not be specifically allowed in a particular zone but would still be compatible with allowed uses in that zone when certain qualifying conditions are applied.

2.03.02 Applicability

Any person may apply for a conditional use permit for a use not specified as an allowable or conditional use in other chapters of this Code.

2.03.03 Permit Required.

A conditional-use permit shall be obtained for certain uses which may be compatible under special conditions and in specific locations within a zone, but would not be allowed under the general conditions of the zone as stated in this Code.

2.03.04 Procedure

Conditional use permits may be approved or denied by the Planning Commission and the Board of County Commissioners. Requests for conditional use permits shall be in the form of an application submitted to the Planning Official. The Planning Official then has twenty (20) working days to deem the application complete or incomplete. Incomplete applications will not be processed further until such time as the application is deemed complete. Complete applications will be scheduled before the Planning Commission within thirty (30) days of the date of receipt by the Planning Official. Applications for conditional use permits will be heard and decided by the Planning Commission at a duly noticed public hearing. Notice shall be provided by a publication in accordance with Section 50.011, Florida Statutes, and by placing a sign on the property involved at least ten (10) days before the date the hearing will be held. Any such notice shall state the nature of the action being considered and shall provide the date, time, and place the hearing will be held. A subsequent public hearing, noticed as described above, will be held at the next regularly scheduled BOCC meeting.

2.03.05 Authorization

The Planning Commission and Board of County Commissioners shall have the authority to impose conditions and safeguards as deemed necessary to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a conditional-use permit shall not be made unless evidence is presented to establish:

1. That such use will not, under the specific circumstances of the particular case, be detrimental to the health, natural resources, safety or general welfare of the surrounding area.
2. That such use will comply with the regulations and conditions specified in this Code for such use, and;
3. The Planning Official shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use by the Planning Commission and BOCC.

2.03.06**Conditional Use Permit Review Criteria**

An application for a conditional use shall be approved, approved with conditions or denied. Each request for a conditional use approval shall be consistent with the criteria listed below.

1. The request is consistent with all applicable provisions of the Comprehensive Plan.
2. The request shall not adversely affect adjacent properties in terms of creating a nuisance, reduction in property values, or other quantifiable measure.
3. The request is compatible with the existing or allowable uses of adjacent properties.
4. The request can demonstrate adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed but in no case shall concurrency management requirements be exceeded.
5. The request can demonstrate adequate provision for maintenance of the use and associated structures.
6. The request has minimized, to the degree possible, adverse affects on the natural environment.
7. The request will not adversely affect the public health, safety or welfare.
8. The request conforms to all other applicable provisions of this Code.

2.03.07**Expiration and Revocation**

Any granted conditional-use permit shall become null and void within one year or the date of approval if not exercised. A conditional-use permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.

If such permit is abandoned or discontinued for a period of one year, it may not be reestablished unless authorized by the Planning Commission.

A conditional-use permit may be revoked if the applicant fails to comply with the conditions imposed by the Planning Commission.

2.03.08**Changes or Amendments**

A change or amendment to an approved conditional-use permit shall be submitted to the Planning Official accompanied by supporting information. The Planning Commission and BOCC shall review the amendment and shall be permitted to grant, deny or amend such amendment and impose conditions deemed necessary.