

ORDINANCE NO. 21-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, AMENDING SECTION 10.03.00 OF THE COUNTY'S LAND DEVELOPMENT CODE; ALLOWING FOR AN ALTERNATE PROCEDURE FOR SUBDIVISION APPROVAL; PROVIDING FOR CONFLICT AND SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Holmes County Board of County Commissioners (hereinafter "Board") desires continued economic growth within Holmes County; and

WHEREAS, the Board has come to the conclusion that the provisions of Section 10.03.00 of the County's Land Development Code may create a hardship for some developers by requiring a final plat to be approved in conjunction with a development plan; and

WHEREAS, the Board recognizes that a development plan can be a costly undertaking for a developer because it requires a fully engineered plan; and

WHEREAS, a procedure whereby developers were allowed to submit conceptual plats for approval before having to submit a full development plan would be beneficial to the continued economic growth and prosperity of Holmes County.

WHEREAS, the Board desires to amend Section 10.03.00 of the County's Land Development Code to allow for an alternative procedure whereby developers may submit a conceptual plat for approval.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Holmes County, Florida, the following:

1. **ADOPTED LANGUAGE**. The following language (in italics and blue for emphasis) is hereby added to and does amend Section 10.03.00 of Holmes County's Land Development Code:

10.03.05. ALTERNATE PROCEDURE FOR SUBDIVISION APPROVAL. Notwithstanding the provisions of Sections 10.03.01, 10.03.02, 10.03.03 and 10.03.04 of the County's Land Development Code, where proposed minor or major development includes the subdivision of land into two or more parcels, any one of which is 2.5 acres or less, the following alternative procedure may be used for developers who desire to

have a conceptual plat approved prior to submittal of a development plan, and further requires the final plat be contingent upon development plan approval.

A. CONCEPTUAL PLATS

1. General. A conceptual plat is a preliminary document, resembling a legally recordable plat, that describes the intended division of land, including lots, alleys, rights-of-way, common areas easements and other elements as defined in Section 177.031, Florida Statutes.

2. Purpose and Intent. Conceptual plats allow the Planning Commission as well as the Holmes County Board of County Commissioners (hereinafter "Board") to review a proposed subdivision of land prior to the approval of any subdivision construction plans.

3. Specific Conceptual Plat Requirements. Conceptual plats shall include a signed and sealed boundary survey of the proposed land to be subdivided.

4. Conceptual Plat Application and Review Procedure.

a. Conceptual plats shall be included with subdivision construction plans, as part of a subdivision development application.

b.. Conceptual plats shall first be reviewed by planning staff, who will then provide the conceptual plan to the Planning Commission for approval and recommendation.

c.. If approved by the Planning Commission, the Commission shall then provide the conceptual plat and their recommendation to the Board for approval.

d. The conceptual plat shall then be reviewed for approval by the Board.

5. Review Standards and Criteria.

a. Conceptual plats will be reviewed by planning staff for conformance with applicable County Codes, the County's Comprehensive Plan and Chapter 177, Florida Statutes.

b. Conceptual plats will be reviewed by the Planning Commission for conformance with applicable County Codes and the County's Comprehensive Plan.

c. Conceptual plats will be reviewed by the Board for conformance with applicable County Codes and the County's Comprehensive Plan.

B. FINAL PLATS

1. Generally. No final plat is to be recorded, or land divided until the final plat is approved and signed by all parties in Section 10.03.05(B)(5).

2. Submission.

a. Final plats may be submitted any time following the issuance of a development order for their associated subdivision construction plans.

b. Along with a final plat, all copies of easements, restrictions and covenants, and HOA documents related to the plat shall be provided for review.

3. Specific Final Plat Requirements. Each final plat shall be prepared and signed by all those required pursuant to Chapter 177, Florida Statutes.

4. Review Process.

a. Planning staff will review the final plat for conformance with Chapter 177, Florida Statutes.

b. If planning staff approves the final plat for presentation to the Board, the plat, along with any related documents including easements, restrictions and covenants, HOA documents, along with the planning staff's recommendation shall be provided to the Board for approval.

5. Approval and Signatures.

a. Signature shall be provided by the Planning Commission Chairman based on the Planning Commission's decision made at the time of conceptual plat review.

b. Signature shall be provided by the County's designated planning official upon approval of as-built construction plans for the subdivision and following a compliant site inspection from planning staff.

c. Signature shall be provided by the County's engineer upon approval of as-built construction plans for the subdivision and following a compliant site inspection from the County engineer.

d. Signature shall be provided by the Chairman of the Board upon approval of the final plat by the Board.

6. Warranty Period, Defect Security, and Performance Bonds

a. Defect Security.

i. A developer may be required to post a defect security in the amount and manner prescribed by law covering any maintenance for improvements which may be accepted by the County.

ii. Such security shall become effective upon acceptance of the final plat and shall be in an amount determined by the County's designated planning official to be sufficient to cover twenty-five percent (25%) of the initial cost of the improvements.

iii. Any damage to County infrastructure, including street pavement, curbing, swales, road shoulders, water and sewer piping during construction within the subdivision will be the responsibility of the individual developer.

b. Warranty Period.

i. The warranty period shall run for 24 months on street paving, water, sewer, storm drainage or other improvements and shall be guaranteed by a 24-month defect security. Warranty period may be extended at the discretion of the County's designated planning official.

ii. During the 24 month warranty period and prior to release of the required 24 month defect security, the County will cause improvements to be inspected from time to time. The developer shall be notified of any deficiencies identified during the inspections and will be given 60 days to correct them. If deficiencies remain after 60 days, planning staff will notify the developer of the County's intention to correct the deficiencies with compensation from the defect security bond instrument on file. No notice shall be required in emergency situations where the defect poses a safety hazard or detriment to the public health and welfare.

2. **SEVERABILITY AND CONFLICTS.** If any word, phrase, sentence, clause or other portion of this Ordinance is held, for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portions of the Ordinance shall not be affected thereby and shall remain in full force and effect. This Ordinance shall control over any other previous Ordinance of Holmes County in conflict herewith unless otherwise noted herein.

3. **EFFECTIVE DATE.** This Ordinance shall take effect immediately upon passage and adoption.

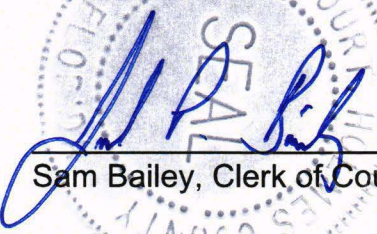
PASSED AND ADOPTED by a vote of 5 (yea) to 0 (nay) by the Board of County Commissioners of Holmes County, Florida, after due public notice and publication and on Motion, Second and discussions, during the regularly scheduled meeting of the Board held on the 7th day of September, 2021.

**BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA**



Earl Stafford, Chairman

ATTEST:



Sam Bailey, Clerk of Court