

**CHAPTER I**  
**GENERAL PROVISIONS**

<b>1.00.00</b>	<b>TITLE</b>
<b>1.01.00</b>	<b>AUTHORITY</b>
<b>1.02.00</b>	<b>APPLICABILITY</b>
1.02.01	<i>GENERAL APPLICABILITY</i>
1.02.02	<i>EXCEPTIONS</i>
<b>1.03.00</b>	<b>INTENT</b>
1.03.01	<i>GENERAL INTENT</i>
<b>1.04.00</b>	<b>FINDINGS</b>
1.04.01	<i>GENERALLY</i>
<b>1.05.00</b>	<b>INCORPORATION BY REFERENCE</b>
1.05.01	<i>MAPS</i>
<b>1.06.00</b>	<b>RULES OF INTERPRETATION</b>
1.06.01	<i>GENERALLY</i>
1.06.02	<i>RESPONSIBILITY FOR INTERPRETATION</i>
1.06.03	<i>COMPUTATION OF TIME</i>
1.06.04	<i>DELEGATION OF AUTHORITY</i>
1.06.05	<i>GENDER</i>
1.06.06	<i>NUMBER</i>
1.06.07	<i>SHALL, MAY</i>
1.06.08	<i>WRITTEN OR IN WRITING</i>
1.06.09	<i>YEAR</i>
1.06.10	<i>DAY</i>
1.06.11	<i>BOUNDARIES</i>
1.06.12	<i>RELATIONSHIP OF SPECIFIC TO GENERAL PROVISIONS</i>

**1.07.00            REPEAL OF PRIOR PROVISIONS**

**1.08.00            ABROGATION**

**1.09.00            SEVERABILITY**

**1.10.00            EFFECTIVE DATE**

# **CHAPTER I**

## **GENERAL PROVISIONS**

### **1.00.00 TITLE**

This Code shall be entitled the "Holmes County Unified Land Development Code" and may be referred to as the "Land Development Code" or as the "Code."

### **1.01.00 AUTHORITY**

This Land Development Code is enacted pursuant to the requirements and authority of '163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), and the general powers in Chapter 125, Florida Statutes.

### **1.02.00 APPLICABILITY**

#### **1.02.01 General Applicability**

Except as specifically provided below, the provisions of this Code shall apply to all development within the unincorporated areas of Holmes County and the corporate limits of the Towns of Esto, Noma, Ponce de Leon, and Westville and no development shall be undertaken without prior authorization pursuant to this Code.

#### **1.02.02 Exceptions**

##### *A. Previously Issued Development Permits*

1. The development activity is authorized by a building permit issued prior to adoption of this Code; and
2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code.

##### *B. Previously Approved Development Orders*

Projects with valid final development orders that have not expired prior to adoption of this Code, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that side shall occur only in conformance with the requirements of this Code.

*C. Vested Rights*

Development that is subject to a Vested Rights Special Use Permit or a Vested Rights Residential Permit is vested with respect to the Comprehensive Plan and the requirements of this Code, including adequate public facilities requirements, in accordance with and subject to the limitations of **Section 10.08.00**.

**1.03.00 INTENT**

**1.03.01 General Intent**

The provisions of this Code shall be construed and implemented to achieve the following intentions and purposes of the County and its municipalities:

- A. To establish the regulations, procedures and standards for review and approval of all proposed development in the County and its municipalities.
- B. To foster and preserve public health, safety, comfort and welfare and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the County and its municipalities in accordance with the Comprehensive Plan.
- C. To adopt a development review process that is:
  - 1. Efficient, in terms of time and expense;
  - 2. Effective, in terms of addressing the natural resource and public facility implications of proposed development; and
  - 3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the Holmes County and the Towns of Esto, Noma, Ponce de Leon and Westville.
- D. To implement the Holmes County Comprehensive Plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act."
- E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements.

## **1.04.00 FINDINGS**

### **1.04.01 Generally**

*A.* Chapter 163, Florida Statutes, requires Holmes County and its municipalities to enact land development regulations that implement and are consistent with the Holmes County Comprehensive Plan.

*B.* Controlling the location, design and construction of development within the unincorporated areas of Holmes County and the incorporated areas of the Towns of Esto, Noma, Ponce de Leon and Westville is necessary to maintain and improve the quality of life in the County and its municipalities and to protect the health, safety and welfare of its citizens.

*C.* The Land Development Code's use of performance standards and bonus incentives that encourage flexibility and innovation in the land development process implements and is consistent with the Holmes County Comprehensive Plan policies establishing Planned Unit Developments.

*D.* The requirements and standards of this Code for transportation facilities are necessary for the public benefit of safe travel because the number of accidents resulting in property damage and injury increases as congestion increases on roads and that the fire, rescue and law enforcement response times and disaster evacuation times increase as congestion increases on roads.

*E.* The standards and requirements of this Code for facilities for potable water, sanitary sewer, solid waste and stormwater management are necessary for the health, safety and welfare of the citizens of the Holmes County and its municipalities and the protection of the environment and natural resources of the Holmes County and its municipalities.

*F.* The standards and requirements of this Code for parks are necessary for the health, safety, welfare and enjoyment of the citizens of Holmes County and its municipalities.

*G.* Section 163.3177, Florida Statutes, provides that public facilities and services needed to support development must be available concurrent with the impacts of such development.

*H.* Section 163.3202, Florida Statutes, provides that not later than one (1) year after its due date established by the State land planning agency's rule for submission of local Comprehensive Plans, a local government shall not issue a development order or permit which results in a reduction in the level of service for the affected public facilities below the level of service established by the Comprehensive Plan.

## **1.05.00 INCORPORATION BY REFERENCE**

### **1.05.01 Maps**

The Future Land Use Map, contained in the Future Land Use Element of the Comprehensive Plan and the original copies of which are filed in the Office of the County Clerk, are hereby designated, established and incorporated as a part of this Code, and are as much a part of this Code as if the information contained therein were set out in full in this Code.

## **1.06.00                      RULES OF INTERPRETATION**

### **1.06.01                      Generally**

In the interpretation and application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of the County and its municipalities and deemed neither to limit nor repeal any other powers granted under state statutes.

### **1.06.02                      Responsibility for Interpretation**

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria or any other provision of this Code, the County and its municipalities shall be responsible for interpretation and shall look to the Holmes County Comprehensive Plan for guidance. Responsibility for interpretation by the County and its municipalities shall be limited to standards, regulations and requirements of this Code but shall not be construed as overriding the responsibilities given to any commission, board or official named in other sections or chapters of this Code. An applicant may appeal the interpretation of the County and its municipalities in accordance with **Section 10.11.00**.

### **1.06.03                      Computation of Time**

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

### **1.06.04                      Delegation of Authority**

Whenever a provision appears requiring the head of a department or some other county officer or employee to do some act or perform some duty as contracted for by the Holmes County or its municipalities, it is to be construed to authorize delegation to perform the required act or duty unless the terms of the provision or section specify otherwise.

### **1.06.05                      Gender**

Words importing the masculine gender shall be construed to include the feminine and neuter.

### **1.06.06                      Number**

Words in the singular shall include the plural and words in the plural shall include the singular.

**1.06.07                      Shall, May**

The word "shall" is mandatory; "may" is permissive.

**1.06.08                      Written or in Writing**

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

**1.06.09                      Year**

The word "year" shall mean a calendar year, unless otherwise indicated.

**1.06.10                      Day**

The word "day" shall mean a working day, unless a calendar day is indicated.

**1.06.11                      Boundaries**

Interpretations regarding boundaries of land use districts shall be made in accordance with the following:

- A.      Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
- B.      Boundaries shown as following or approximately following any platted dot line or other property line shall be construed as following such line.
- C.      Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
- D.      Boundaries shown as following or approximately following natural features shall be construed as following such features.

**1.06.12                      Relationship of Specific to General Provisions**

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

**1.07.00                      REPEAL OF PRIOR PROVISIONS**

Any ordinances and provisions in conflict with these regulations are hereby repealed as of the effective date of this Code.

#### **1.08.00 ABROGATION**

This Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Holmes County or its municipalities. Moreover, nothing in this Code shall be construed to give the County or its municipalities responsibility for enforcing private covenants or deed restrictions.

#### **1.09.00 SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

#### **1.10.00 EFFECTIVE DATE**

These regulations shall be effective upon adoption of this Code.



## **CHAPTER II**

### **LAND USE DISTRICTS**

<b>2.00.00</b>	<b>GENERALLY</b>
<i>2.00.01</i>	<i>PURPOSE</i>
<b>2.01.00</b>	<b>LAND USE DISTRICTS</b>
<i>2.01.01</i>	<i>GENERALLY</i>
<i>2.01.02</i>	<i>LAND USE DISTRICTS</i>
<b>2.02.00</b>	<b>USES ALLOWED WITHIN LAND USE DISTRICTS</b>
<i>2.02.01</i>	<i>GENERALLY</i>
<i>2.02.02</i>	<i>PURPOSE AND TYPES OF USES</i>
<i>2.02.03</i>	<i>MANUFACTURED HOUSING</i>

## **CHAPTER II**

### **LAND USE DISTRICTS**

#### **2.00.00                    GENERALLY**

##### **2.00.01                    Purpose**

The purpose of this Chapter is to describe the specific uses and restrictions that apply to the land use districts established in the Land Use Element of the Holmes County Comprehensive Plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives and policies of the town as expressed in the Holmes County Comprehensive Plan.

#### **2.01.00                    LAND USE DISTRICTS**

##### **2.01.01                    Generally**

Land use districts for Holmes County and the Towns of Esto, Noma, Ponce de Leon and Westville are established in the Future Land Use Element of the Comprehensive Plan, including the Future Land Use Map. The land use districts defined in the Future Land Use Element of the Holmes County Comprehensive Plan and delineated on the Future Land Use Map shall be the determinants of permissible activities on any parcel in the unincorporated areas of Holmes County and inside the corporate limits of Esto, Noma, Ponce de Leon and Westville.

##### **2.01.02                    Land Use Districts**

All land within the Holmes County and its municipalities has a designated land use district described in the Holmes County Comprehensive Plan. All development must comply with the development standards applicable to the land use district within which that parcel is located. Refer to Section 2.02.02 of this Chapter for the definition of each land use district. The land use districts are:

- A.     Low Density Residential
- B.     Medium Density Residential
- C.     High Density Residential
- D.     Commercial
- E.     Industrial
- F.     Agricultural
- G.     Recreational
- H.     Urban Mixed Use
- I.     Public/Semi-Public/Educational
- J.     Conservation
- K.     Crossroads Mixed Use
- L.     Silviculture

## **2.02.00        USES ALLOWED WITHIN LAND USE DISTRICTS**

### **2.02.01        Generally**

#### **A.        Uses Allowed**

This Section defines and prescribes the specific uses allowed within each land use district described in the Comprehensive Plan and this Code.

#### **B.        Accessory Uses and Structures**

Accessory structures and uses are allowed in any land use district in connection with any lawfully existing principal use, subject to the requirements of Chapter VII. All accessory structures or uses shall meet the requirements for the character and land use district in which the structure or use is located, as provided in Section 5.01.04.

#### **C.        Interpretation of Use Regulations**

Whenever a use is not specifically mentioned in Section 2.02.02 (A) - (I), the Holmes County shall make a determination as to whether the proposed use is of the same general type as the uses specifically allowed in the land use district. In making such a determination, the County shall be guided by the goals, objectives and policies of the Holmes County Comprehensive Plan and Section 2.02.02 of this Code.

### **2.02.02        Purpose and Types of Uses**

#### **A.        Low Density Residential**

The purpose of the Low Density Residential Land Use District is to provide for single-family residential settings within the County and its municipalities.

Land uses allowed in the Low Density Residential Land Use District include single-family residential units, public utilities, neighborhood commercial, Planned Unit Developments (PUD), and home occupations.

#### **B.        Medium Density Residential**

The purpose of the Medium Density Residential Land Use District is to provide for residential settings within urban service zones where adequate sewer and public facilities exist concurrent with development, and as permitted on the Future Land Use Map, allowing for medium density units.

Land uses allowed in the Medium Density Residential Land Use District include single family dwelling units, duplexes, compatible multi-family units, public utilities, neighborhood commercial, PUD and home occupations.

#### C. High Density Residential

The purpose of the High Density Residential Land Use District is to provide for residential settings within urban service zones where adequate sewer and public facilities exist concurrent with development, and as permitted on the Future Land Use Map, allowing for high unit density.

Land uses allowed in the High Density Residential Land Use District include all types of residential development, public utilities, neighborhood commercial, PUD and home occupations.

#### D. Commercial

The purpose of the Commercial Land Use District is to provide for community and regional serving commercial uses; to encourage compact development of integrated commercial centers and districts; to serve the traveling public with highway commercial areas; and to provide adequate areas for commercial development and redevelopment in order to support economic development within the City.

Land uses allowed within the Commercial Land Use District include retail sales and services, business and professional offices, all commercial lodgings, wholesale trade and services, PUD, residential development and public utilities.

#### E. Industrial

The purpose of the Industrial Land Use District is to provide areas for the location of light industrial operations and to provide sufficient choice of suitable locations to encourage economic development of the community.

Land uses allowed in the Industrial Land Use District include all commercial and light industrial trade and service activities, industrial support services and public utilities.

#### F. Agricultural

The purpose of the Agricultural Land Use District is to provide a land use classification for existing and future agricultural land uses and other lands suitable for agriculture, rural residences and compatible planned rural development. This classification includes agricultural and rural related uses and undeveloped lands where the soils are suitable for development and septic tank systems.

Land uses allowed in the Agricultural Land Use District include agricultural activities, silviculture, livestock, aquaculture, poultry farms, silviculture using best management practices and according to

"Guidelines for Forested Wetlands in Florida" by the Florida Division of Forestry (silviculture includes Christmas Tree Farms and Conservation Reserve Program Operations), agricultural/farm dwelling units, single-family dwelling (not to exceed the prescribed density), agricultural support services, neighborhood commercial uses related to agricultural/rural activities, places of worship, vacant lands, borrow pits, and public utilities.

#### G. Recreational

The purpose of the Recreational Use District is to provide for the location of public and private recreational land uses, including active and passive recreation areas.

Land uses allowed in the Recreational Land Use District include public recreation areas, private recreational facilities, including limited commercial uses, such as fish camps and camping areas and their accompanying facilities, and public utilities.

#### H. Urban Mixed Use

The purpose of the Urban Mixed Use Land Use District is to provide for a mixture of land uses in areas where such mixed urban land uses exist or it is desirable for residential and commercial uses to be in close proximity of each other. The Urban Mixed Use Land Use designation provides for the multiple use of existing buildings and reduces or eliminates the effects of "strip commercialization" along highways.

Land uses allowed within the Urban Mixed Use Land Use Designation include all residential development, neighborhood commercial, commercial, public/semi-public/educational, PUD, and public utilities

#### I. Public/Semi-Public/Educational

The purpose of the Public/Semi-Public/Educational Land Use District is to provide land for public, semi-public and educational facilities and services.

Land uses allowed in the Public/Semi-Public/Educational Land Use District include all public, semi-public and educational buildings, grounds and facilities, and public/private social club buildings, schools (public and private), campuses, and their associated recreational facilities.

#### J. Conservation

The purpose of the Conservation Land Use Designation is to identify public and private lands that should be carefully managed and used to conserve and protect natural features and functions. Conservation lands shall include the Choctawhatchee River lands owned by the Northwest Florida Water Management District.

Uses allowed within the Conservation land use designation include activities which are compatible with the purpose of conserving or protecting natural resources, including flood control, wildlife habitat protection, and passive recreational uses such as docks and boat ramps as permitted by the Department of Natural Resources.

#### K. Crossroads Mixed Use

The purpose of the Crossroads Mixed Use land Use designation is to allow the continuance of mixed use types of development near "crossroad" communities. A "Crossroad Community" is defined as the area within 1/4 mile radius of the junction of a collector and/or arterial roadway (as shown in the Functional Highway Classification Maps of the Traffic Circulation Element), or where ten or more homes and one or more of the following elements occur within a 1/4 mile radius outside of a municipality: a community water system, a church, a cemetery, an existing or closed school, a commercial grain elevator, and/or a general store.

Uses allowed within the Crossroads Mixed Use land use designation include single family residential dwellings, neighborhood commercial, commercial, agricultural uses, silvicultural activities, public/semi-public/educational facilities, places of worship, recreational facilities, AgPUD, and utility services.

#### L. Silviculture

The purpose of the Silviculture land use designation is to provide a land use classification for existing and future silviculture operations. This classification shall apply only to lands owned and used by industry or for investment for the primary purpose of growing timber for pulp, wood, and other wood products. In no case shall this designation on a Future Land Use Map be placed on land where "Conservation Reserve Program" operations have been established or where private landowners other than industrial or investment owners are growing trees for income purposes.

Uses allowed within the Silviculture land use designation include silvicultural activities using best management practices as defined by the Florida Division of Forestry's latest handbooks "Silviculture - Best Management Practices" and "Management Guidelines for Forested Wetlands in Florida", silvicultural support services, structures and facilities incidental to silvicultural activities, vacant lands (owned by industries or for investment in silvicultural products), single family residential units and public utilities.

#### M. Neighborhood Commercial

The purpose of the neighborhood commercial land use classification is to allow for areas of low intensity commercial use and to provide necessary services within residential neighborhood and agricultural settings.

The uses allowed under the neighborhood commercial classification include neighborhood convenience retail services, professional offices providing services to a limited market area, and bed and breakfast type lodgings, PUD, and public utilities.

#### N. AGPUD

The purpose of the Agricultural Planned Unit Developments (AgPUD's) land use designation is to allow rural land owners options for development in urban service and rural zones while protecting the rural/agricultural nature of the surrounding area.

Uses allowed within the AgPUD land use designation include PUD, including single family dwelling units, commercial, neighborhood commercial, public/semi-public/educational, recreation/open space and public utilities. Stables for horses are permissible, if consistent with other ordinances.

### **2.02.03 Manufactured Housing**

#### A. Housing Complying with the Florida Manufactured Building Act or the U.S. Department of Housing and Urban Development Mobile Home Construction Safety Standards (HUD Code)

Manufactured homes built in compliance with the HUD Code and built under the Florida Manufactured Building Act and certified by the Florida Department of Community Affairs as complying with the structural requirements of the Standard Building Code shall be allowed to locate in all residential land use districts. All manufactured homes that are not located in a mobile home park designed exclusively for manufactured housing shall comply with the standards in Section 5.06.02.

#### B. Housing Not Complying with the Manufactured Housing Act or HUD Code Manufactured homes not meeting the standards of the Florida Manufactured Building Act or HUD Code are allowed only if in a mobile home park designed exclusively for such houses.

## **CHAPTER III**

### **CONCURRENCY**

#### **3.00.00                    GENERALLY**

*3.00.01                    PURPOSE AND INTENT*

#### **3.01.00                    GENERAL RULES**

*3.01.01                    CERTIFICATE OF CONCURRENCY REQUIRED*

*3.01.02                    INITIAL DETERMINATION OF CONCURRENCY*

*3.01.03                    EXPIRATION OF CERTIFICATE OF CONCURRENCY*

*3.01.04                    BURDEN OF PROOF*

#### **3.02.00                    DE MINIMIS EXEMPTIONS**

*3.02.01                    GENERALLY*

*3.02.02                    DE MINIMIS ACTIVITIES*

#### **3.03.00                    CONCURRENCY REVIEW**

*3.03.01                    GENERALLY*

*3.03.02                    EVALUATION*

*3.03.03                    MINIMUM REQUIREMENTS FOR CONCURRENCY*

*3.03.04                    STRATEGIES TO RECTIFY LACK OF CONCURRENCY*

#### **3.04.00                    ADOPTED LEVELS OF SERVICE**

#### **3.05.00                    MONITORING**

*3.05.01                    ANNUAL REPORT*

*3.05.02                    CONTENTS*



3.05.03                    *PRIMA FACIE EVIDENCE*

3.05.04                    *ASSURANCES*

**3.06.00                    APPEALS**

## **CHAPTER III**

### **CONCURRENCY**

#### **3.00.00        GENERALLY**

##### **3.00.01        Purpose and Intent**

The purpose of this Chapter is to describe the requirements and procedures necessary to implement the concurrency provisions of the Holmes County's Comprehensive Plan. Specifically, this Chapter is intended to ensure the availability of public facilities and services and the adequacy of those facilities at adopted levels of service concurrent with impacts of development. This intent is implemented by means of a concurrency management system which shall measure the potential impact for a development upon the adopted minimum acceptable level of service for potable water, sewer solid waste, drainage, parks and recreation, and roadways facilities and/or services as provided in Holmes County's Comprehensive Plan.

#### **3.01.00        GENERAL RULES**

##### **3.01.01        Certificate of Concurrency Required**

A Certificate of Concurrency shall be required prior to the issuance of any development permit, with the exception of those listed in Section 3.02.02. If a development will require more than one development permit, the issuance of a Certificate of Concurrency shall occur prior to the issuance of the initial development permit.

##### **3.01.02        Initial Determination of Concurrency**

At the request of the applicant or at the discretion of Holmes County or its municipalities, an initial determination of concurrency may be performed for preliminary development orders and a conditional Certification of Concurrency issued for development permits shall be binding.

##### **3.01.03        Expiration of Certificate of Concurrency**

A Certificate of Concurrency shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that the development permit does not have a specific expiration date, the Certificate of Concurrency shall expire six (6) months from the date of the issuance of the development permit. In the event that a time extension is granted prior to the expiration of the development permit, the accompanying Certificate of Concurrency shall automatically be renewed for the duration of the extension given to the accompanying development permit. Should the extension exceed one (1) year from the date of the issuance of the original development permit, a new

concurrency review shall be performed for which a reasonable fee shall be assessed in order to defray the cost of the new review.

#### **3.01.04 Burden of Proof**

The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The Holmes County and its municipalities will assist in the preparation of the necessary documentation and information.

#### **3.02.00 DE MINIMIS EXEMPTIONS**

##### **3.02.01 Generally**

If a proposed Development relates to land use of such low intensity as to have a de minimis effect, if any, upon the level of service standards set forth in Holmes County's Comprehensive Plan, the Development shall be exempt from concurrency review.

##### **3.02.02 De Minimis Activities**

The following development activities shall be deemed de minimis:

*A. The construction of:*

1. room additions to residences, pursuant to item (D)(3) below;
2. accessory structures, but not accessory apartments;
3. swimming pools;
4. fences;
5. signs; and
6. communications towers.

*B. Removal of trees.*

Removal of trees, except that tree removal shall not be considered a de minimis activity for the purpose of determining compliance with the stormwater drainage level of service.

- C. The replacement of structures destroyed by fire, hurricanes, tornadoes or other acts of God not exceeding the area and cubic content of the structure prior to its destruction.*

*D. Limited De Minimis Exemptions for Single Family*

Individual single-family dwelling units shall be deemed de minimis for the following facilities and/or services:

1. Roads, providing that the dwelling unit is not located within 1/4 mile of a road segment that is operating below the adopted Level of Service.
2. Stormwater drainage, provided that the single-family up to quadruplex (in this case only) is not part of a larger development. However, in the unincorporated area of Holmes County, driveways and buffer areas shall be constructed to avoid adversely affecting the street drainage or drainage for the adjacent property. Driveway construction or roadside improvements shall:
  - (1) Cause no impairment to the drainage and stability of the roadway subgrade, and
  - (2) Cause no water to flow on or across the roadway pavement, pond on any roadway shoulder or in ditches, or result in erosion within the public right-of-way.

Within the public right-of-way, all inlets, culverts, ditches or channels, and other drainage facilities necessary within the buffer area and under the driveway shall be installed according to the following County standards.

- (a) An inside diameter of 18 inches is the standard minimum side drain culvert size. Equivalent elliptical pipe or pipe arch may be required if site constraints dictate the need. The crown of the pipe shall be a minimum of 12" below the top of driveway surface at either end of the driveway, or as specified by the pipe manufacturer.
  - (b) Side drain shall be an adequate size to carry the flow anticipated by the County.
  - (c) Side drain mitered end sections constructed by the individual property owner may be constructed in accordance with either FDOT Standard Index 273 or 274 when appropriate i.e., a single pipe 24 inch size or smaller. Otherwise side drain mitered end section shall comply with FDOT Standard Index 273.
  - (d) A separate approval is required for connections to the County roadway drainage facilities where applicable.
3. Sewer, provided that construction meets the requirements of the Department of Health and Rehabilitative Services (HRS) related to wastewater systems. Specifically excluded from this exemption are room additions consisting of bedrooms or bathrooms.

The de minimis exemption for single-family dwelling units applies for individual dwelling units only. Developments of more than one single-family dwelling unit shall be evaluated for concurrency.

### **3.03.00            CONCURRENCY REVIEW**

#### **3.03.01            Generally**

The Holmes County and its municipalities shall use the procedures listed below to determine compliance of an application for a development permit with this concurrency management system. At the time of application for a development permit, a concurrency evaluation shall be made to determine the availability of the facilities or services required to be concurrent. An applicant for a development permit shall provide the County and its municipalities with all information required so as to enable the concurrency evaluation to be made. Upon receipt of a complete Concurrency Review Application, the County shall perform the concurrency evaluation for each of the public facilities and services. A Concurrency Review Application shall not be deemed complete until all applicable permits, verification letters or other proof has been submitted pursuant to Section 3.03.02 below.

#### **3.03.02            Evaluation**

##### *A.       Roads*

##### *1.       Generally*

The evaluation for roads shall compare the existing level of service standards to the adopted level of service standards established by Holmes County's Comprehensive Plan for the impacted roads. The level of service shall be determined for conditions on the existing roads, to include any committed or

(White out fter pg.)

III - 4a

Holmes County

III - 5

Concurrency

funded improvements to those roads, meeting the minimum requirements for concurrency set forth in section 3.03.03

## 2. Submittals

The applicant for a development permit shall submit to the County, along with the application for a development permit, the following information:

- a. The legal description of the development site;
- b. The street address of the development site, if applicable;
- c. A written statement indicating the nature and extent of proposed development.

## 3. County Review

Holmes County will then apply a concurrency check to the subject property based on the following trip generation characteristics:

### TRIP CHARACTERISTICS

<u>CODE</u>	<u>LAND DEVELOPMENT</u>	<u>INDEP.</u>	<u>RATE</u>	<u>TRIP</u>	<u>TRIP</u>
	<u>NEW</u>			<u>LENGTH</u>	
	<u>ACTIVITY (LDA</u>	<u>VARIABLE</u>			
	<u>TRIPS</u>				
1	Single-Family	DW.UNIT	10.1	7.0	100%
2	Multi-Family	DW.UNIT	6.1	7.0	100%
3	Mobile-Home	DW.UNIT	4.8	7.0	100%
4	ACLF	1000 SF	2.8	9.6	74%
5	General Office 0-49,999sf	1000 SF	16.3	9.6	92%
6	Gen'l Office 50-149,999sf	1000 SF	13.7	9.6	92%
7	Gen'l Office 150-299,999sf	1000 SF	11.5	9.6	92%
8	Gen'l Office 300-599,999sf	1000 SF	10.4	9.6	92%
9	Gen'l Office 600-799,999sf	1000 SF	8.4	9.6	92%
10	Gen'l Office >800,000sf	1000 SF	8.2	9.6	92%
11	Medical Office	1000 SF	39.9	9.6	77%
12	Research Center	1000 SF	6.1	9.6	92%
13	General Industrial	1000 SF	7.0	9.6	92%
14	Industrial Park	1000 SF	7.0	9.6	92%

15	Manufacturing	1000 SF	3.8	9.6	92%
16	Warehousing	1000 SF	4.9	9.6	92%
7	Mini-warehousing	1000 SF	2.6	7.0	92%
18	Hospital	BED	11.8	9.1	77%
19	Nursing Home	BED	2.6	7.0	75%
20	Clinic	1000 SF	30.4	7.0	92%
21	Hotel	ROOM	9.0	9.1	71%
22	Motel	ROOM	10.2	9.1	59%
23	Resort Hotel	ROOM	18.4	9.1	75%

TRIP CHARACTERISTICS (continued)

LAND DEVELOPMENT NEW			INDEP.		TRIP	TRIP
<u>CODE</u>	<u>ACTIVITY (LDA</u>	<u>VARIABLE</u>	<u>RATE</u>	<u>LENGTH</u>		
	<u>TRIPS</u>					
24	General Recreation	ACRE	3.6	10.4	90%	
25	Racquet Club	1000 SF	15.9	10.4	75%	
26	Golf Course	PKG SPACE	6.6	10.4	90%	
27	Quality Restaurant	1000 SF	96.8	10.4	82%	
28	Sit-down Restaurant	1000 SF	177.4	7.0	79%	
29	Drive-in Restaurant	1000 SF	622.0	7.0	54%	
30	Discount Store	1000 SF	71.2	7.0	61%	
31	Hardware/Paint Store	1000 SF	51.3	7.0	40%	
32	New and Used Car Sales	1000 SF	43.0	7.0	79%	
33	Car Wash	1000 SF	151.2	7.0	67%	
34	Service Station w/Repair and Convenience <800 SF	PUMP	133.8	7.0	23%	
35	Super-Supermarket	1000 SF	120.7	7.0	53%	
36	Convenience Market>3000 SF	Store	1162.9	7.0	25%	
37	Convenience Market>=3000 SF	1000 SF	887.1	7.0	25%	
38	Commercial <100,000 SF	1000 SF	94.7	7.0	49%	
39	Commercial 100,000-199,999 SF	1000 SF	74.3	7.0	63%	
40	Commercial 200,000-299,999 SF	1000 SF	58.9	7.0	75%	



41	Commercial 300,000-399,999 SF 79%	1000 SF		48.3	7.0	
42	Commercial 400,000-499,999 SF 80%	1000 SF		43.0	7.0	
43	Commercial 500,000-999,999 SF 81%	1000 SF		37.7	7.0	
44	Commercial >1,000,000 SF 81%	1000 SF		33.4	7.0	
45	Bank (walk-in)	1000 SF	190.0	7.0	80%	
46	Bank (drive-in) 61%	1000 SF	276.7	7.0		
47	Church (without school) 90%	1000 SF	7.7	6.6		
48	Library	1000 SF	45.4	6.6	90%	
49	Day Care Center 74%	1000 SF	67.0	7.0		
50	Elementary School	Student	1.0	6.6	80%	
51	High School	Student	1.4	6.6	90%	
52	Jr/Community College	Student	1.6	6.6	90%	
53	University	Student	2.4	6.6	90%	
54	Airport	Flight	8.3	7.0	90%	
55	Park	Acre	36.5	10.4	90%	
56	Condominium	DW. Unit	5.9	7.0	100%	
57	U.S. Post Office 25%	1000 SF	86.8	7.0		
58	Movie Theater	Screen	132.0	10.4	85%	
59	Budget-Style Motel	Room	4.7	9.1	85%	
60	Veterinary Clinic	1000 SF	32.8	9.1	70%	
61	Efficiency Apt/Motel	Room	5.0	7.0	59%	
62	Auto Repair/Detailing	1000 SF	28.4	7.0	83%	

Sources:                   ITE Trip Generations, 4th Edition  
                                  Tindall-Oliver Trip Generation Study, 1989  
                                  U.S. DOT, "Personal Travel in the U.S.," 1986

#### 4. Reconciliation

Should the applicant disagree with the results obtained by the County in its concurrency review, a transportation study pursuant to Section 5 below shall be performed.

#### 5. Transportation Study

a. Application Meeting

An application meeting between the County and the applicant is required. The purpose of this meeting will be to review the methodology and procedure, and to determine the study area and study period. This will usually be a P.M. peak hour analysis; however, other time periods may require analysis. The transportation study shall be signed and sealed by a registered Professional Engineer.

b. Define Study Area

The study area is defined as the primary impact area affected by traffic associated with the site. A radius around the site will be established based on the average trip length associated with the land use, as set forth in the trip characteristics for that land use as approved by the County. The primary impact area will be approved by the County at the application meeting.

c. Existing Conditions

The following existing conditions shall be provided based on the application review:

- (1) Existing peak hour traffic volumes and level of service on all collectors and arterials within the study area.
- (2) Existing turning movement volumes at the impacted intersection(s) and intersection(s) level of service.

d. Sources of Data

- (1) The above required data shall be no older than the previous calendar year. Volumes shall be adjusted to reflect annual conditions using current FDOT seasonal adjustment factors for the Holmes or other adjustment factors approved by the County.
- (2) The above required level(s) of service for roadways shall be determined in accordance with the adopted level(s) of service of Holmes County and its municipalities given in the Traffic Circulation Element of Holmes County's Comprehensive Plan.
- (3) The above required intersection capacity(ies) shall be based on the most recent edition of the Highway Capacity Manual, Special report 209.

e. Projection of Future Roadway Traffic

Roadway volume(s) shall be projected for each development phase including the year of the project completion. Volumes can be determined using one of the following procedures:

- (1) Multiplying existing volumes by the annual growth factor provided by the County. Traffic generated by any major project approved since the traffic counts shall be included as background traffic.
- (2) Multiplying existing volumes by an annual growth factor developed by the applicant and approved by the County. Traffic generated by any major project approved since the traffic counts were conducted shall be included as background traffic.
- (3) Using projections from an area modeling effort.
- (4) Methodology regarding projection of intersection(s) turn movements and level of service shall be established at the application conference.

f. Projection of Traffic Generation

The following procedures and information shall be provided:

- (1) To determine project traffic generation, the Trip Characteristics Table shall be used, or trip rates may be obtained from studies of comparable sites in Holmes County or standards adopted by the County, and are subject to the approval of the County.
- (2) Identify all land use codes, amount of development and trip rates.
- (3) Any proposed reduction factors for internal capture of trips between land uses of a mixed use project or for passerby trips shall be provided by the applicant at the application/methodology meeting and approved by the County.

g. Projection of Traffic Distribution/Assignment

Project traffic distribution shall be based on reasonable and acceptable industry assumptions and methodologies as applied to the individual site(s) conditions to be approved by the County in the application meeting.

h. Transportation System Management Strategies

A discussion of any proposed transportation system management strategies shall be included in the study.

*B. Potable Water*

1. Submittals

The applicant for a development permit shall submit, along with the application for a development permit, proof that sufficient capacity exists as demonstrated by one of the following:

- a. If the service provider is other than an on-site potable water well, documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a development order by the County, the applicant may be required to provide evidence of a contract with the service provider, indicating the provider's commitment and ability to serve the proposed project; or
- b. Permits issued by the Northwest Florida Water Management District for a potable water well to serve the development.
- c. A notarized statement or affidavit that there is an existing functioning potable water well on the site.

2. Presumption of Available Capacity

A presumption of available capacity shall be rendered by Holmes County upon receipt of one of the above.

*C. Wastewater*

1. Submittals

The applicant for a development permit shall submit, along with the application for a development permit, proof that sufficient capacity exists as demonstrated by one of the following:

- a. If the proposed service provider is other than an on-site septic system, documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of

- service. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final development order by the County, the applicant may be required to provide evidence of a contract with the service provider indicating the provider's commitment and ability to serve the proposed project; or
- b. All applicable HRS permits for an on-site septic system, pursuant to 10D-6, F.A.C., are obtained; or
  - c. Proof the County or municipalities impact fees for the provision of a wastewater system have been paid.

## 2. Presumption of Capacity

A presumption of available capacity shall be rendered by Holmes County upon receipt of one of the above.

### *D. Drainage*

#### 1. Submittals

The applicant for a development permit shall submit, along with the application for the development permit, proof that sufficient capacity exists as demonstrated by one of the following:

- a. All applicable Department of Environmental Regulation (DER) permits for stormwater management systems, pursuant to 17-25, F.A.C., are obtained; and/or
- b. All applicable Department of Transportation (DOT) permits for drainage connections, pursuant to 14-86, F.A.C., are obtained; and/or
- c. All applicable Northwest Florida Water Management District (NFWMD) permits, pursuant to 373.451-373.4595, F.S. (the Surface Water Improvement "SWIM" Act) are obtained.

## 2. Presumption of Available Capacity

A presumption of available capacity shall be rendered by the Holmes County upon receipt of the applicable DER, DOT, and/or NFWMD permits.

### *E. Solid Waste*

#### 1. Submittals

The applicant for a development permit shall submit, along with the application for the development permit, proof that sufficient capacity exists as demonstrated by one of the following:

- a. Documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a development order by the County, the applicant may be required to provide evidence of a contract with the service provider, indicating the provider's commitment and ability to serve the proposed project; or
- b. Applicants shall submit a signed affidavit stating their intention to remove household garbage to the Springhill Regional Landfill in Jackson County.

## 2. Presumption of Capacity

A presumption of available capacity shall be rendered by Holmes County upon receipt of one of the above.

### *F. Recreation and Open Space*

#### 1. Countywide Presumption of Available Capacity

Based upon the data and analysis contained in Holmes County's Comprehensive Plan, adequate capacity exists for an estimated demand for park and open space facilities through the planning period (1991-2001). Therefore, a presumption of available capacity for all development shall be rendered by Holmes County for the period beginning September 1, 1991, through the submission of the first Concurrency Management System Annual Report. At such time, the available capacity for park and open space shall be re-assessed, and a determination made to as whether the presumption of available capacity is to be continued.

### **3.03.03 Minimum Requirements for Concurrency (Determination of Availability)**

In order to obtain a Certificate of Concurrency, one of the following conditions must be satisfied for each of the public facilities and services, and such condition given in the Certificate of Concurrency:

#### *A. For Potable Water, Sewer, Solid Waste and Drainage*

At a minimum, provisions in Holmes County's Comprehensive Plan that ensure the following standards will be met to satisfy the concurrency requirement:

1. The necessary facilities and services are in place at the time a development order is issued; or
2. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or
3. The necessary facilities are under construction at the time a permit is issued; or
4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Section (A)(1-3) above. An enforceable development agreement may include, but is not limited to, development agreement pursuant to section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S. The agreement must guarantee that the necessary facilities and services are in place when the impacts of development occur.

*B. For Parks and Recreation*

The concurrency requirement may be satisfied by complying with the standards in (A)(1-4) above or by including in Holmes County's Comprehensive Plan that ensure that the following standards will be met:

1. At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or
2. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

*C. For Roads*

The concurrency requirement may be satisfied by complying with the standards of Sections (A)-(B) above. In addition, in areas in which Holmes County and its municipalities have committed to provide the necessary public facilities and services in accordance with its 5-year schedule of capital improvements, Holmes County may satisfy the concurrency requirement for roads by basing this

concurrency management system upon an adequate capital improvements program and schedule which, at a minimum, includes the following provisions:

1. A capital improvements element and a 5-year schedule of capital improvements which, in addition to meeting all of the other statutory and rule requirements, must be financially feasible. The capital improvements element and schedule of capital improvements may recognize and include transportation projects included in the first three years of the applicable adopted Florida Department of Transportation five-year work program.
2. A 5-year schedule of capital improvements which must include both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate those portions of existing deficiencies which are a priority to be eliminated during the 5-year period under Holmes County's Comprehensive Plan's schedule of capital improvements.
3. A realistic, financially feasible funding system based on currently available revenue sources which must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit and which public facilities are included in the 5-year schedule of capital improvements.
4. A 5-year schedule of capital improvements which must include the estimated date of commencement of actual construction and the estimated date of project completion.
5. A 5-year schedule of capital improvements which must demonstrate that the actual construction of the road must be scheduled to commence in or before the third year of the 5-year schedule of capital improvements.
6. A provision that a plan amendment would be required to eliminate, defer or delay construction of any road which is needed to maintain the adopted level of service standard and which is listed in the 5-year schedule of improvements.

#### **3.03.04 Strategies to Rectify Lack of Concurrency**

Should a development not pass the above concurrency evaluation, several strategies may be used to rectify this , including the following:

- A. A plan amendment which lowers the adopted level of service standards for the affected facilities.



*B.* A enforceable development agreement between the County or its municipalities and the developer which may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S.

*C.* A change in the funding source.

*D.* A reduction in the scale or impact of the proposed development.

*E.* Phasing of the proposed development.

### **3.04.00 ADOPTED LEVELS OF SERVICE**

The adopted Level of Service (LOS) standards for public facilities and services as contained in Holmes County's Comprehensive Plan are hereby adopted by reference.

### **3.05.00        MONITORING**

#### **3.05.01        Annual Report**

The purpose of the annual report is to provide monitoring of public facilities and services to ensure maintenance of the adopted levels of service in a format which is accessible to the public.

#### **3.05.02        Contents**

The County and its municipalities shall prepare an annual report as part of the Concurrency Management System that includes:

1.     A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.
2.     A summary of building permit activity, indicating:
  - a.     Those that expired without commencing construction;
  - b.     Those that are active at the time of the report;
  - c.     The quantity of development represented by the outstanding building permits;
  - d.     Those that result from the development permits issued prior to the adoption of this Code; and
  - e.     Those that result from development permits issued pursuant to the requirements of this Code.
3.     A summary of development permits issued, indicating:
  - a.     Those that expired without subsequent development permits;
  - b.     Those that are valid at the time of the report; and
  - c.     The phases and quantity of development represented by the outstanding development permits.
3.     A summary of development permits issued, indicating:
  - a.     Those that expired without subsequent building permits;

- b. Those that were completed during the period;
  - c. Those that are valid at the time of the report but do have associated building permits or construction activity; and
  - d. The phases and quantity of development represented by the outstanding development permits.
5. An evaluation of each facility and service indicating:
- a. The capacity available for each at the beginning of the reporting period and the end of the reporting period;
  - b. The portion of the available capacity held for valid preliminary and development permits;
  - c. A comparison of the actual capacity to calculated capacity resulting from approved development orders and development permits;
  - d. A comparison of actual capacity and levels of service to adopted levels of service from Holmes County's Comprehensive Plan.
  - e. A forecast of the capacity for each based on the most recently updated schedule of capital improvements in the Capital Improvements Element of the Comprehensive Plan.

### **3.05.03      Prima Facie Evidence**

The Concurrency Management System Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development permits during the twelve (12) months following completion of the annual report. The first annual report shall be presented to the County at a public hearing no later than June 1, 1992. Successive reports will be presented annually after June 1, 1992.

### **3.05.04      Assurances**

The County and its municipalities shall make available suitable land for the building and expansion of service facilities, and shall require that future land uses be assured of adequate infrastructure and services. The County and its municipalities shall conduct an ongoing review and analysis of the infrastructure and services to meet the needs of future land uses adopted in Holmes County's Comprehensive Plan. Development shall be required to provide such lands by dedication where appropriate.

### **3.06.00        APPEALS**

Appeals related to determinations of concurrency shall be made pursuant to the provisions in Section 10.11.00.

## **CHAPTER IV**

### **RESOURCE PROTECTION STANDARDS**

#### **4.00.00                    GENERALLY**

*4.00.01                    PURPOSE AND INTENT*

*4.00.02                    SCOPE*

#### **4.01.00                    WETLANDS**

*4.01.01                    BUFFER*

*4.01.02                    PROHIBITION AGAINST USE AS SEDIMENT TRAPS DURING  
DEVELOPMENT AND CONSTRUCTION*

#### **4.02.00                    GROUNDWATER AND WELLHEADS**

*4.02.01                    GENERALLY*

*4.02.02                    RESTRICT DEVELOPMENT IN WELLFIELD PROTECTION ZONES*

*4.02.03                    RESTRICT DEVELOPMENT IN AREAS OF MODERATE TO HIGH  
GROUNDWATER RECHARGE*

#### **4.03.00                    SURFACE WATER PROTECTION**

*4.03.01                    BUFFERS*

*4.03.02                    USES ALLOWED*

#### **4.04.00                    WILDLIFE HABITAT AND UNIQUE NATURAL AREAS**

*4.04.01                    REQUIRE STUDY FOR FNAI INVENTORIED AREAS*

*4.04.02                    PROHIBIT DEVELOPMENT CAUSING LOSS OF VIABILITY*

#### **4.05.00                    FLOODPLAINS**

*4.05.01                    PURPOSE AND OBJECTIVES*

*4.05.02                    GENERAL PROVISIONS*

4.05.03	<i>SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION</i>
4.05.04	<i>STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)</i>
4.05.05	<i>STANDARDS FOR SUBDIVISION PROPOSALS</i>
4.05.06	<i>STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS</i>
4.05.07	<i>ADMINISTRATION</i>
<b>4.06.00</b>	<b>MINING</b>
4.06.01	<i>GENERALLY</i>
4.06.02	<i>CRITERIA FOR PROPOSED MINING ACTIVITIES</i>
<b>4.07.00</b>	<b>HAZARDOUS WASTES</b>
<b>4.08.00</b>	<b>HISTORICAL AND ARCHEOLOGICAL RESOURCE PROTECTION</b>
4.08.01	<i>Generally</i>
4.08.02	<i>Historical and Archaeological Resources Protection Provision for Holmes County and its Municipalities</i>

## **CHAPTER IV RESOURCE PROTECTION STANDARDS**

### **4.00.00                    GENERALLY**

#### **4.00.01                    Purpose and Intent**

The purpose of this Chapter is to establish those resources that must be protected from harmful effects of development. A developer should apply the provisions of this Chapter before any other development design work is done. Application of the provisions of this Chapter will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the area that may be developed.

#### **4.00.02                    Scope**

This Chapter incorporates regulations which are designed to protect the following environmentally sensitive areas: wetlands, groundwater and wellheads, surface waters, wildlife habitat and unique natural areas, and floodplains. Additional regulations contained in this Chapter address mining and hazardous wastes, and their threat to environmentally sensitive areas.

This Chapter also includes provisions for the preservation and protection of historical and archeological resources.

### **4.01.00                    WETLANDS**

#### **4.01.01                    Buffer**

A thirty (30) foot buffer of native vegetation, subject to site plan approval, shall be required around and along all wetlands. Such buffer shall be measured from the DER wetlands jurisdictional line or the Northwest Florida Water Management District jurisdictional line, whichever is greater. The property owner may create a pathway through the buffer for visual or authorized pedestrian access to the wetland provided that the pathway is limited to a five-foot wide swath.

Silviculture activities shall be allowed within forested wetlands following the guidelines outlined in "Silviculture Best Management Practices Manual" and "Management Guidelines for Forested Wetlands in Florida", Florida Department of Agriculture and Consumer Services, Division of Forestry, and the requirements of Chapters 373 and 403, Florida Statutes.

#### **4.01.02                    Prohibition Against Use as Sediment Traps During Development and Construction**

Wetlands shall not be used as sediment traps during development and construction. Sediment traps shall be constructed on-site to prevent escape of sediments to waterbodies.

### **4.02.00                    GROUNDWATER AND WELLHEADS**

The purpose of groundwater protection standards is to safeguard the health, safety and welfare of the citizens of Holmes County and its municipalities. This is accomplished through ensuring the protection of all sources of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of the County and its municipalities. Therefore, standards are described in this Section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this Section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

**4.02.02****Restrict Development in Wellfield Protection Zones****A. *Prohibited Development Zone (Radius)***

All existing potable water wellfields which supply potable water for public consumption shall incorporate a minimum five-hundred (500) foot prohibited development zone around the perimeter of the well.

**B. *Prohibited Activities***

The following activities shall be prohibited within the Wellfield Protection Zone:

1. Landfills;
2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Chapter 442, F.S.);
3. Activities that require the storage, use, handling, production or transportation of restricted substances including agricultural chemicals, petroleum or industrial chemicals, hazardous/toxic or medical wastes;
4. Feedlots or other concentrated animal facilities;
5. Wastewater treatment plants, percolation ponds, and similar facilities;
6. Mines; or
7. Excavation of waterways or drainage facilities which intersect the water table.

Should a prohibited activity exist within the Wellfield Protection Zone at the time of adoption of this Code, such activity shall be considered a nonconforming use and the regulations governing nonconforming uses, contained in Chapter IX of this Code, shall apply.

**C. New Wells**



All new wells which supply potable water for public consumption in Holmes County and its municipalities shall be required to establish a two-hundred (200) foot zone of exclusion immediately surrounding the new wells overlaying the five hundred (500) foot wellhead protection area. No development activities shall take place in the two hundred (200) foot zone of exclusion surrounding new wells.

#### **4.02.03                      Restrict Development in Areas of Moderate to High Groundwater Recharge**

##### **A.        Generally**

In order to protect the Floridan Aquifer from potential contamination by pollutants and to encourage natural groundwater recharge, the following restrictions shall be placed on development in areas of moderate to high recharge potential as identified on the "Areal Recharge Potential to the Floridan Aquifer Map" prepared by the Northwest Florida Water Management District.

##### **B.        Restrictions on Development in Areas of Moderate to High Recharge Potential**

The following restrictions shall be placed on development in areas of moderate to high recharge potential:

1.        Impervious surface shall be limited to 50% of the total gross acreage of a given parcel for all land uses.
2.        New solid waste disposal facilities and hazardous waste disposal and transfer facilities shall be prohibited.
3.        Domestic and industrial wastes shall not be applied to the land. Wastes shall be considered to include any liquid or solid product including, but not limited to, hazardous, non-hazardous, and toxic wastes and wastewater. This definition shall not be construed to prohibit the use of individual household septic tank systems or other alternative domestic waste systems which satisfy all other federal, state and local requirements.

#### **4.03.00                      SURFACE WATER PROTECTION**

##### **4.03.01                      Buffers**

A buffer of native vegetation, subject to site plan approval, shall be required around and along all surface waters of Holmes County and its municipalities. The purpose of the natural vegetative buffer is to prevent and reduce erosion; trap sediment from overland run-off; protect indigenous flora, fauna and habitat; and to retain and enhance physical and visual aesthetics of surface water systems. The

property owner may create a pathway through the buffer for visual or authorized access to the surface waters provided that the pathway is limited to the minimum width necessary for access as determined by a professional engineer knowledgeable in hydrological processes.

The following buffers shall be required around and along all surface waters of Holmes County and its municipalities:

	<u>SURFACE WATER BODY</u>	<u>BUFFER REQUIRED</u>
1.	Perennial Streams, Creeks and Rivers	30 Feet Landward of Average Water Line
2.	Holmes, Wright & Sandy Creeks; all Natural Lakes and Springs	50 Feet Landward of Average Water Line
3.	Choctawhatchee River and its oxbows	100 Feet Landward of Average Water Line

#### **4.03.02                      Uses Allowed**

The uses allowed in the buffer zones along and around surface water bodies include passive recreational activities such as hunting, fishing and swimming. Docks and boat ramps shall also be allowed as permitted by the Florida Department of Natural Resources.

Rigid riverbank protection systems shall be prohibited except for the protection of major habitable structures, public roads, highways, water or sewerage treatment plants, and public power facilities. Such rigid riverbank protection systems shall be located as far landward as possible, consistent with design and construction requirements. The structures shall be designed based on accepted State of Florida guidelines to minimize erosive and scour effects. Sloping rock revetments, rubble mound structures, and toe-scour protection are required in front of vertical bulkheads.

Repair of existing functional river bank protection structures shall be allowed so long as the repair involves less than fifty percent of the structure. Prior to repairs, the property owner must notify the County and the appropriate State and Federal agencies of the extent of the intended work.

Abandoned river bank protection structures shall be removed by the owner within a reasonable period of time as specified by the County Building Official.

The provisions of this section 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 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 the County Engineer.

#### **4.04.00 WILDLIFE HABITAT AND UNIQUE NATURAL AREAS**

##### **4.04.01 Require Study for FNAI Inventoried Areas**

Areas identified in the Florida Natural Areas Inventory (FNAI) as endangered or threatened species habitats and unique natural areas shall be inventoried prior to development. Such inventory shall consist of both a field survey and management/mitigation plan. The study shall be prepared by an ecologist, biologist or other related professional as a consultant to the County or its municipalities. Such expense shall be borne by the applicant. The plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management strategies to protect the subject wildlife. Where adverse impacts cannot be avoided through site design or other means, the applicant shall be required to develop a mitigation plan which will allow no net loss of individuals of designated species, in coordination with the Florida Game and Freshwater Fish Commission. The results of the survey as well as mitigation measures, shall be submitted as part of land development permit applications submitted for the project.

##### **4.04.02 Prohibit Development Causing Loss of Viability**

Areas containing endangered or threatened species habitat and unique natural areas such as those designated in the Florida Natural Areas Inventory shall not be developed for any use that would cause loss of viability of the community or habitat.

#### **4.05.00 FLOODPLAINS**

##### **4.05.01 Purpose and Objectives**

###### *A. Purpose*

It is the purpose of this section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. control the alteration of natural flood plans, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. control filling, grading, dredging and other development which may increase erosion or flood damage; and,
5. prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**B. *Objectives***

The objectives to this section are:

1. to protect human life and health;
2. to minimize expenditure of public money for costly flood control projects;
3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. to minimize prolonged business interruptions;
5. to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
6. to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and,
7. to ensure that potential home buyers are notified that property is in a flood area.

**4.05.02 General Provisions**

**A. *Lands to Which This Section Applies***

This section shall apply to all areas of special flood hazard within the unincorporated areas of Holmes County and the incorporated areas of the Towns of Esto, Noma, Ponce de Leon and Westville. Areas of special flood hazard are those subject to a one percent or greater chance of flooding in any given year.

**B. *Basis for Establishing the Areas of Special Flood Hazard***

The areas of Special Flood Hazard identified by the Federal Emergency Management Agency and the latest Flood Insurance Rate Map with all explanatory matter or material attached thereto, prepared and published by the Federal Emergency Management Agency and adopted by resolution of the Board of County Commissioners.

*C. Conditions Precedent to Granting Building Permit*

All conditions and provisions of this section must be fulfilled before a building permit pursuant to this Code can be issued.

*D. Compliance*

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Code and other applicable regulations.

*E. Abrogation and Greater Restrictions*

This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

*F. Interpretation*

In the interpretation and application of this Code all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

*G. Warning and Disclaimer of Liability*

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Holmes County or its municipalities or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

**4.05.03 Specific Standards for Flood Hazard Reduction**

In all areas of special flood hazards and where base flood elevation data has been provided as set forth in Section 4.045.02 (B), or Section 4.045.07 (A), the following provisions are required:

*A. Residential Construction*

New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, opening sufficient to facilitate the unimpeded movements of flood water shall be provided in accordance with standards of Section 4.05.07 (A)(3).

*B. Non-Residential Construction*

New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation. Buildings located in all A-Zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A professional engineer or architect registered in the State of Florida shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the County Building Official as set forth in Section 4.05.07(B)(3).

*C. Elevated Buildings*

New construction or substantial improvements of elevated buildings that include fully enclosed areas by foundations and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with this requirement must be either certified by professional engineer or architect or meet the following minimum criteria:
  - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed areas subject to flooding;
  - b. The bottom of all openings shall be no higher than one foot above grade; and,
  - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of flood waters in both directions.
2. Electrical, plumbing and other utility connections are prohibited below the base flood elevation;
3. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (and garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to living area (stairway or elevator); and,
4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

*D. Standards for Manufactured Homes and Recreational Vehicles*

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
2. All manufactured homes placed or substantially improved in an existing manufactured home park or division must be elevated so that:
  - a. The lowest floor of the manufactured home is elevated to or above base flood elevation, or
  - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than thirty-six (36") inches in height above grade.
  - c. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - d. In an existing manufactured home park or subdivision on which a manufactured has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Section 4.04.03 (D)(2)(a) and (c) above.
3. All recreational vehicles placed on sites must either:
  - a. Be fully licensed and ready for highway use, or
  - b. The recreational vehicle must meet all requirements for new construction, including anchoring and elevation requirements of Section 4.045.03(D)(1) or (2) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

#### **4.05.04 Standards for Areas of Shallow Flooding (AO Zones)**

Located within the areas of special flood hazard established in Section 4.045.02 (B), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate

Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

- B. All new construction and substantial improvements of non-residential structures shall:
  - 1. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade or,
  - 2. together with attendant utility and sanitary facilities be completely floodproofed to rise above that level so that any space below that level is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

#### **4.05.05 Standards for Subdivision Proposals**

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for all subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

#### **4.05.06 Standards for Streams Without Established Base Flood Elevations and/or Floodways**

Located within the areas of special flood hazard established in Section 4.045.02 (B), where small streams exist but where no base flood data have been provided or where no flood ways have been provided, the following provisions apply:

- A. No encroachments including fill material or structures shall be located within the distance of the stream bank equal to three times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification by registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during their occurrence of the base flood discharge.
- B. New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with Section 4.045.07 (B)(2).



#### **4.05.07**

#### **Administration**

A. The County and its municipalities shall implement this section through performance of the following actions by the Board of County Commissioners or its designee:

1. Review all building permits to assure that the permit requirements of this section have been satisfied.
2. Advise permittee that additional federal or state permits may be required, and, if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notify adjacent communities and the Department of Community Affairs prior to any alteration or relocation of a watercourse which the County or its municipalities would have knowledge of within the course of their work, and submit evidence of such notification to the Federal Insurance Administration.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse which the County or its municipalities have knowledge of in the course of their work so that the flood carrying capacity is not diminished.
5. Determine whether the following subsections (a) and (b) have been satisfied, or, at his discretion, require that a certification be obtained from a professional engineer or architect registered in the State of Florida for the following subsections:
  - a. verification and recordation of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
  - b. verification and recordation of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
6. When flood proofing is utilized for a particular structure, the Board of County Commissioners shall obtain certification from a registered professional engineer or architect, in accordance with Section 4.045.07 (B)(2). Single-family residential structures are exempted from this requirement.
7. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the County shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
8. When base flood elevation data has been provided in accordance with Section 4.045.02 (B), then the County shall obtain, review, and reasonably utilize any base flood elevation data

available from a Federal, State or other source, in order to administer the provisions of Chapter 5.

9. All records pertaining to the provisions of this Code shall be maintained in the County Courthouse and shall be open for public inspection.

*B. Additional Permit Procedures*

Application for a building permit shall be made to the County pursuant to this Code on forms furnished by the County prior to any development activities, and may include, but not limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

1. Application Stage.
  - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement of all structures);
  - b. Elevation in relation to mean sea level to which any non-residential structure will be flood proof;
  - c. Certificate from a registered professional engineer or architect that the non-residential flood proof structure will meet the flood proofing criteria in Section 4.04.03 (B);
  - d. Description of the extent to which any water course will be altered or relocated as a result of a proposed development, and;
2. Construction Stage. Provide a floor elevation or flood proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the City Council a certification of the elevation of lowest floor, flood- proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders risk. The County shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause for the County to issue a stop work order or other legal action available to remedy this failure for the project.

3. Provide a certificate from a professional engineer or architect registered in the State of Florida that the non-residential flood-proofed structure meets the flood-proofing criteria in Section 4.04.03 (B).
4. Description of the extent to which any watercourse will be altered or relocated as a result or proposed development.

#### **4.06.00 MINING**

##### **4.06.01 Generally**

The following provisions are intended to regulate mines for the purpose of protection adjacent natural resources and reduce adverse impacts to the environment.

##### **4.06.02 Criteria for Proposed Mining Activities**

###### *A. Notice of Intent*

Prior to the commencement of mining operations, mine operators shall be required to file a notice of intent to mine with Holmes County. Such notice of intent shall include the following information: mine location, mine size and type of material to be mined.

###### *B. Burden of Proof Regarding Siting of Proposed Mines*

The notice of intent shall provide, in addition to the above information, documentation that the proposed activity will not cause significant damage to: potable water supplies, surface water or reductions in water quality; threatened and endangered species, species of special concern or their habitats; or contribute to a loss of topsoil.

###### *C. Buffers*

Mining operations will be required to prevent off-site erosion of soils and retain a thirty (30) foot buffer zone of existing vegetation around the perimeter of the site exclusive of roads required to provide access to the site which may be maintained by the mine operator.

###### *D. Reclamation Plan*

All mine operators shall be required to submit a mine reclamation plan which shall be implemented within one (1) year of closure of the site to mining activities as required by Chapter 378, F.S. This reclamation plan shall include provisions for revegetation of disturbed areas with a permanent vegetative cover including the use of native species.

#### **4.07.00                      HAZARDOUS WASTES**

Those persons handling hazardous wastes regulated under the Resource Conservation and Recovery Act, Chapter 40, Code of Federal Regulations, Part 260-265, and Chapter 403, Part IV, Florida Statutes, Resource Recovery and Management, shall abide by said regulations; file all necessary notifications and obtain all applicable permits as required by said laws.

Those generators of hazardous wastes not complying with the applicable Federal and State Regulations shall be subject to the penalties as outlined in Section 10.15.00 in addition to any other applicable penalties.

#### **4.08.00                      HISTORICAL AND ARCHEOLOGICAL RESOURCE PROTECTION**

##### **4.08.01                      Generally**

The following provisions are designed to protect and preserve the historical and archeological resources of Holmes County and its municipalities.

##### **4.08.02                      Historical and Archaeological Resources Protection Provision for Holmes County and its Municipalities**

During review of the development permit application, the authorized county authority shall determine whether or not the proposed development is in an area of historical or archaeological significance as listed on the Florida Master Site File or the Holmes County Comprehensive Listing of Historical and Archaeological Resources.

Should it be determined that the proposed development is located on a site of historical or archaeological significance, the developer is required to have the site surveyed by a competent authority from any of the area colleges, universities, or junior colleges (e.g., Gulf Coast Junior College, University of West Florida, Florida State University, etc.). The results of the survey will be presented to the County to determine how development should proceed. If the site has been previously surveyed for its historical or archeological significance, the results of that survey may be presented to the County for consideration as to how development should proceed.

Should historical or archaeological resources be unearthed during development, construction, renovation, excavation, etc., the developer must notify the county immediately and development must stop for a reasonable period of time to be determined by the County so that a survey of the historical and archaeological resources can be conducted by a competent authority. The results of the survey will then be presented to the County to determine how development should proceed. The City shall consider how development should proceed.

Prior to the demolition of any housing over 75 years old or housing which is of historical or architectural significance, preservation alternatives shall be evaluated and the site shall be properly recorded.



## **CHAPTER V**

### **SITE DESIGN STANDARDS**

<b>5.00.00</b>	<b>GENERAL PROVISIONS</b>
<i>5.00.01</i>	<i>PURPOSE AND INTENT</i>
<b>5.01.00</b>	<b>PERFORMANCE STANDARDS</b>
<i>5.01.01</i>	<i>GENERALLY</i>
<i>5.01.02</i>	<i>DENSITY</i>
<i>5.01.03</i>	<i>FLOOR AREA RATIO</i>
<i>5.01.04</i>	<i>IMPERVIOUS SURFACE AND OPEN SURFACE RATIOS</i>
<i>5.01.05</i>	<i>TABLE OF DEVELOPMENT STANDARDS</i>
<b>5.02.00</b>	<b>DENSITY AND INTENSITY BONUSES</b>
<i>5.02.01</i>	<i>PURPOSE</i>
<i>5.02.02</i>	<i>APPLICABILITY</i>
<i>5.02.03</i>	<i>CALCULATION OF BONUSES</i>
<i>5.02.04</i>	<i>AFFORDABLE HOUSING DENSITY BONUS</i>
<i>5.02.05</i>	<i>BONUS FOR ACTIVE RECREATIONAL FACILITIES</i>
<b>5.03.00</b>	<b>LANDSCAPING</b>
<i>5.03.01</i>	<i>GENERAL PROVISIONS</i>
<i>5.03.02</i>	<i>LANDSCAPED BUFFERS</i>
<i>5.03.03</i>	<i>LANDSCAPING OF VEHICULAR USE AREAS</i>
<i>5.03.04</i>	<i>PROTECTION OF TREES AND NATIVE VEGETATION</i>

<b>5.04.00</b>	<b>OFF-STREET PARKING AND LOADING</b>
<i>5.04.01</i>	<i>GENERAL PROVISIONS</i>
<i>5.04.02</i>	<i>OFF-STREET PARKING SPACE REQUIREMENTS CHART</i>
<i>5.04.03</i>	<i>JOINT USE AND OFF-SITE FACILITIES</i>
<i>5.04.04</i>	<i>DESIGN STANDARDS</i>
<i>5.04.05</i>	<i>BICYCLE PARKING STANDARDS</i>
<i>5.04.06</i>	<i>OFF-STREET LOADING</i>
<b>5.05.00</b>	<b>OPERATIONAL PERFORMANCE STANDARDS</b>
<i>5.05.01</i>	<i>NOISE</i>
<i>5.05.02</i>	<i>AIR POLLUTION</i>
<i>5.05.03</i>	<i>GLARE</i>
<i>5.05.04</i>	<i>ODOR</i>
<b>5.06.00</b>	<b>SUPPLEMENTAL STANDARDS</b>
<i>5.06.01</i>	<i>GENERALLY</i>
<i>5.06.02</i>	<i>MANUFACTURED HOUSING SITED IN RESIDENTIAL LAND USE DISTRICTS</i>
<i>5.06.03</i>	<i>INSTITUTIONAL RESIDENTIAL HOMES</i>
<i>5.06.04</i>	<i>RECREATIONAL VEHICLE PARKS</i>
<i>5.06.05</i>	<i>JUNKYARDS</i>
<i>5.06.06</i>	<i>TRASH DUMPSTERS</i>
<b>5.07.00</b>	<b>AGPUD</b>
<i>5.07.01</i>	<i>Generally</i>

5.07.02	<i>Uses Allowed</i>
5.07.03	<i>Desity and Intensity</i>
5.07.04	<i>AgPUD Density Bonuses</i>
5.07.05	<i>Restrictions</i>



## **CHAPTER V**

### **SITE DEVELOPMENT STANDARDS**

#### **5.00.00 GENERAL PROVISIONS**

##### **5.00.01 Purpose and Intent**

The purpose of this Chapter is to provide site development standards applicable to all development activity in the Holmes County and the Towns of Esto, Noma, Ponce de Leon and Westville. The provisions are intended to ensure functional and attractive development. The standards allow for flexibility in site design, while ensuring compatibility of neighboring uses through design features such as landscaped buffers. All development shall be designed to avoid unnecessary impervious surface coverage and adverse effects of traffic, noise and drainage on surrounding properties.

#### **5.01.00 PERFORMANCE STANDARDS**

##### **5.01.01 Generally**

This Section contains basic standards applicable to the character and land use districts established in this Code. These standards regulate the density of residential development, the floor area ratio of non-residential development, and the impervious surface ratio, open space ratio and maximum height of both residential and nonresidential development. These development standards are designed to encourage innovative design, such as zero lot line and cluster housing. The standards also allow for flexibility in determining lot sizes and building placement. However, developments that use on-site sewage disposal systems must comply with the minimum lot size requirements set forth in Rule 10D-6, F.A.C.

##### **5.01.02 Density**

###### *A. Generally*

The density is the relationship between the number of dwelling on a site and the base site area. The base site area is the gross site area minus the land devoted to public rights-of-way. The density is calculated by adding together all the dwelling units on a site and dividing this total by the base site area.

### **5.01.03 Floor Area Ratio**

#### **A. *Generally***

A floor area ratio is a measurement of the intensity of development on a site. For purposes of this Code, floor area ratios (FAR) are provided only for non-residential development.

#### **B. *Calculating Floor Area Ratio***

The floor area ratio is the relationship between the total floor area on a site and the gross site area. The FAR is calculated by adding together all floor areas of all floors and dividing this total by the gross site area.

### **5.01.04 Impervious Surface and Open Space Ratios**

#### **A. *Generally***

##### **1. Impervious Surface Ratio**

An impervious surface ratio is a measurement of the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces include, but are not limited, to roofs and streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, limerock or clay. The impervious surface ratios (ISR) in Table 5.01.06 are applicable to both residential and nonresidential development.

##### **2. Open Space Ratios**

An open space ratio is a measurement of the amount of the site that is devoted to recreation, resource protection, amenity and/or landscaped buffers. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playground, fountains, swimming pools, wooded areas and water courses. Open space does not include driveways, parking lots or other surfaces designed or intended for vehicular travel. The open space ratios (OSR) in Table 5.01.06 are applicable to both residential and nonresidential development.

#### **B. *Calculating Impervious Surface and Open Space Ratios***

- 1.** The ISR is calculated by adding together all the square footage of all impervious surfaces and dividing this total by the gross site area.
- 2.** The OSR is calculated by adding together all the square footage of all open space and dividing this total by the gross site area.

### 5.01.05 TABLE OF DEVELOPMENT STANDARDS

MINIMUM	MAXIMUM	MAXIMUM	MAXIMUM
OPEN	DENSITY	FLOOR	IMPERVIOUS
Character	(DWELLING AREA UNITS/ACRE)	SURFACE RATIO (FAR) RATIO (ISR)	SPACE RATIO (OSR)
Residential			
Low w/public water	4DU/AC	.50	.50
Low wo/public water	2DU/AC	.50	.50
Medium	10DU/AC	1.0	.75
High	20DU/Ac	1.0	.80
Commercial	-- 2.0	.90	.10
Industrial	-- 1.0	.85	.10
Agricultural	See Table	.50	.30
Recreational	-- .20	.20	.80
Public/Semi-Public/Educational	-- 2.0	.70	.15
Urban Mixed Use	10DU/AC	2.0	.90
Conservation	1DU/80AC	--	--
Crossroads Mixed Use	1DU/AC	.50	.85
Silviculture	1DU/50AC	--	--

NOTE: The maximum commercial area within the Urban Mixed Use Land Use designation shall be 60% of total contiguous mixed use area.

NOTE: Agricultural Densities are contained in the Agricultural Densities Table. Property developed or subdivided for the use of immediate family members related by blood, marriage or adoption, for the use as their primary residence shall not be limited to the minimum lot sizes contained in the Agricultural Densities Tables. The family member may develop a single family residence on a smaller lot up to the maximum gross density permitted under HRS/Environmental health guidelines and permits for wells and septic tanks.

NOTE: A maximum of 40% of a contiguous "Crossroad Mixed Use" classification may be used for neighborhood commercial and commercial uses. A maximum of 50% of a given "Crossroad Mixed Use" area may be used for residential development. A minimum of 10% of a given crossroad mixed use area shall be used for open space and/or recreation.







## **5.02.00 DENSITY AND INTENSITY BONUSES**

### **5.02.01 Purpose**

It is the purpose of this Section to encourage new development and redevelopment of exceptionally high quality and design and that furthers County policies as established in the Holmes County Comprehensive Plan. The density and intensity bonuses set forth in this Section are intended to encourage the provision of affordable housing and recreational facilities. The purpose of the affordable housing density bonus is to expand housing opportunities for low- and moderate-income persons throughout the County by providing increased residential densities to developers who guarantee that a portion of their housing development will be affordable to persons of low and moderate income. The purpose of the recreational bonus is to expand recreational opportunities in the County and to permanently preserve open space.

### **5.02.02 Applicability**

Density and intensity bonuses may be utilized in any land use category except the recreation and open space categories. However, if in any case the administration of this Section conflicts with Rule 10D-6, F.A.C., Standards for On-Site Sewage Disposal Systems, the standards of Rule 10D-6 shall apply.

### **5.02.03 Calculation of Bonuses**

Density and intensity bonuses shall be based on the following bonus allocation system:

#### **A. *Provision of Affordable Housing***

Determine the percentage of total housing units in a residential project that are devoted to affordable housing in accordance with Section 5.02.04, and calculate that percentage as a bonus, up to a maximum of twenty-five percent (25%).

#### **B. *Provision of Active Recreational Facilities***

Determine the percentage of the total acres in the project that are devoted to active recreational use, in accordance with Section 5.02.05, and calculate half that percentage as a bonus, up to a maximum of ten percent (10%). To qualify for a bonus, the recreation facilities may not be used to satisfy the minimum open space requirements of Section 5.01.06.

### **5.02.04 Affordable Housing Density Bonus**



*A. Submittals*

All proposed development requesting additional density for the provision of affordable housing shall provide the following information on the application for development approval:

1. The application for approval of a proposed development shall indicate that the development approval is requested through compliance with the bonus standards.
2. The application shall clearly show the units affordable by persons and families of low- or moderate-income, showing the basis for the requested density bonus.

*B. Review of Density Bonus Application*

1. After a duly noticed public hearing, the County Commission may grant a density bonus for projects that include units affordable to low- or moderate-income persons, allowing a greater number of units than the maximum shown in Table 5.01.06. The number of bonus units shall not exceed twenty-five percent of the maximum number of units permitted in the base district without a density bonus.
2. If the density bonus is approved, the developer shall enter into an agreement with the County. The County Attorney shall approve all such agreements prior to execution. The agreement shall contain, among other items, the terms and conditions of the deed restrictions to be placed on the units to ensure that the units remain affordable to low- and moderate-income persons for a period of at least 30 years. The restrictions shall run with the land and shall be enforceable by the County until such restrictions expire.

*C. Location of Affordable Units*

In order to qualify for a density bonus, the affordable units may be located on-site and integrated into the development project or off-site, provided that the applicant makes a satisfactory showing to the County Commission that the units will be located in an area with a demonstrated need for affordable housing units.

*D. Criteria for Affordable Housing*

1. A housing unit shall be considered an affordable housing if it meets, and continues to meet for 30 years, one of the two following conditions:
  - a. has an annual rental rate that is less than or equal to 33 percent of the median family income of Holmes County; or,

- b. has an annual cost (including property taxes), after a 10 percent down payment, that is less than or equal to 33 percent of the median family income of Holmes County.
2. The Holmes County median family income shall be that figure published and periodically updated for County as a whole by the U.S. Department of Housing and Urban Development (HUD) or another source determined to be more appropriate by the County Commissioners.

## **5.02.05 Bonus for Active Recreational Facilities**

### **A. Submittal Requirements**

To qualify for a density or intensity bonus, a proposal for a project that includes active recreational facilities beyond those otherwise required by the County shall be accompanied by an agreement to be recorded with the County Clerk, guaranteeing the construction of those facilities in a timely manner acceptable to the County. The documents shall not be accepted until approved by the County Attorney as to legal form and effect.

### **B. Recreational Facilities Standards**

The County shall find that the recreation facilities are provided in addition to the minimum open space requirements contained in the Table of Development Standards (Section 5.01.06), that there exists a demonstrated need for the facilities in the proposed location and that the proposal is consistent with Recreation and Open Space Element of the Comprehensive Plan. The types of recreational facilities that would qualify a project for a density or intensity bonus include, but are not limited to:

1. pedestrian walking trails, bikeways and equestrian trails;
2. swimming pools;
3. tennis courts;
4. playgrounds equipped with a full complement of playground equipment; and
5. golf courses.

## **5.03.00 LANDSCAPING**

### **5.03.01 General Provisions**

*A. Purpose*

The purpose of this Section is to protect the quality of water resources from future degradation by maintaining vegetative cover and controlling disturbances to vegetation, to encourage the selection of native plant species for vegetation, to reduce the impact of urban and suburban development on remaining stands of natural vegetation, to provide shade, to reduce heat and glare, to abate noise pollution, to provide habitat for living things and to buffer incompatible uses.

*B. Exemptions*

Lots or parcels of land on which a single family home is used as a residence shall be exempt from the provisions of these landscaping regulations, except that champion, heritage, historic and specimen trees on such parcels shall be protected according to the tree protection regulations. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require site plan approval.

*C. Landscape Materials*

Diversity of plantings should be strived for in all required landscape plantings, and in no case should one species constitute more than fifty percent (50%) of a planting.

*D. Prohibited Plants*

The following plants shall not be installed as landscape material:

1. Kudzu (*Pueraria lobata*); and
2. Popcorn or Chinese Tallow Tree (*Sapium Sebiferum*).

**5.03.02 Landscaped Buffers**

*A. Purpose and Intent*

This Section requires landscaped buffers to be provided and maintained when certain land uses are adjacent to or directly across from each other in order to protect uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use. Landscaped buffers are also required to consider the values of land and buildings and to provide adequate light and air. The width of the buffer and the required plantings within the buffer vary depending upon the relative intensities of the abutting or adjacent uses. The buffer requirements are intended to be flexible; the developer may choose among a number of combinations of buffer width and buffer plantings to satisfy the requirement.

*B. How to Determine Landscaped Buffer Requirements*

Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The following procedure shall be followed to determine the type of landscaped buffer required:

1. Identify the land use category of the proposed use by referring to Section 2.02.02. Identify the land use category of the adjacent adjoining use(s) by on-site survey.
2. Identify whether the proposed and adjacent or adjoining uses are high impact, medium impact, or low impact, Residential Class I or Residential Class II uses by referring to Section 5.03.02(E).
3. Determine the landscaped buffer required on each building site boundary (or portion thereof) by referring to Section 5.03.02(F).
4. Select the desired landscaped buffer option from those set forth in section 5.03.02(G). Any of the listed options shall satisfy the requirement of buffering between adjacent or adjoining land uses.

*C. Landscaped Buffer Design and Materials*

1. Existing Native Plant Material

The use of existing native species of plant material is strongly encouraged in landscaped buffers. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscaped buffer. Where the planting requirements of Section 5.03.02(G) require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbance to natural species.

2. Where the planting requirements of Section 5.03.02(G) require additional trees to be installed in the landscaped buffer, required canopy trees shall be selected from the medium and large trees on the protected tree and tree replant lists (Section 5.03.04(B) and (F)). Understory trees shall be selected from the small trees on the protected tree and tree replant lists (Section 5.03.04(B) and (F)). Required shrubs shall be selected from the following list or other shrubs identified by a landscape architect or biologist and approved by the County:

- a. Ligustrum (Ligustrum japonicum)
- b. Azalea (Rhododendron indicum, Rhododendron simsii, Rhododendron obtusum)
- c. Red top (Photinia glabra and Photinia froseri)
- d. Cleyera (Cleyera japonica)
- e. Pampas grass (Cortaderia selloana)

- f. Thorny elaeagnus (*Elaeagnus pungens*)
- g. Silverberry (*Elaeagnus macrophylla*)
- h. English holly (*Ilex aquifolium*)
- i. Chinese holly (*Ilex cornuta*)
- j. Japanese holly (*Ilex crenata*)
- k. Yaupon holly (*Ilex vomitoria*)
- l. Oleander (*Nerium oleander*)
- m. Chinese juniper (*Juniperus chinensis*)
- n. Savin juniper (*Juniperus sabina*)
- o. Rocky Mountain juniper (*Juniperus scopulorum*)
- p. Southern Red Cedar (*Juniperus virginiana*)

### 3. Mixed-Use Development

Where a building site is used for a single mixed-use development, landscaped buffers shall not be required between the various constituent uses. Landscaped buffers required at the perimeter of the development shall be based upon the individual uses on each portion of the property.

### 4. Parking Lot Landscaping

Perimeter plantings required for parking lot landscaping may be counted toward satisfying buffer requirements.

## *D. Use of Landscaped Buffers*

### 1. Open Space

Landscaped buffers may be counted toward satisfying open space requirements, and may be used for passive recreation. They may contain pedestrian or bike trails, provided that the total width of the bufferyard is maintained. In no event, however, shall the following uses be permitted in landscaped buffers: playfields, stables, swimming pools, tennis courts, parking

lots and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.

2. Stormwater Retention/Detention Facilities

The County shall be authorized to allow stormwater retention/detention facilities to encroach into landscaped buffers a maximum of 40% of buffer width, where it is found that all planting requirements of this section are met and the visual screen provided by the landscaped buffer will be fully achieved.

*E. Classification of Uses for Determining Buffer Requirements*

1. Nonresidential Uses

For the purposes of determining landscaped buffer requirements, nonresidential land uses are classified as either high, medium, or low, impact uses as follows:

a. High Impact Uses

High impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a strong effect on abutting or adjacent uses. High impact uses include:

- (1) Industrial Uses, as defined in Section 2.01.02(E);
- (2) Water and Wastewater Treatment Plants;
- (3) Mining Uses; and
- (4) All accessory uses associated with the above uses.

b. Medium Impact Uses

Medium impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a moderate effect on adjoining or adjacent uses. Medium impact uses include:

- (1) Commercial Uses, as defined in Section 2.01.02(D), except for Professional and Office Uses and Neighborhood Commercial Uses;
- (2) Public/Semi-Public/Educational Uses, as defined in Section 2.01.02(I), except for Water and Wastewater Treatment Plants;

- (3) Feedlots; and,
- (4) All accessory uses associated with the above uses.

c. Low Impact Uses

Low impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a limited effect on abutting or adjacent uses. Low impact uses include:

- (1) Agricultural Uses 2.01.02(F);
- (2) Recreational 2.01.02(G);
- (3) Residential Use 2.01.02(A),(B),(C);and
- (4) All Accessory Uses associated with the above.

---

## F. TABLE OF LANDSCAPED BUFFER REQUIREMENTS

Proposed High <u>Use</u>	<u>Impact</u>	Medium <u>Impact</u>	Low <u>Impact</u>
Abutting or Adjacent Use			
High Impact	None	A	B
Medium Impact	A	None	A
Low Impact	B	A	None
Vacant Land	A	None	None

---

### *G. Landscaped Buffer Options*

1. Use these specifications to select the desired landscaped buffer option for the building site. These buffer requirements are stated in terms of the width of the linear feet of the buffer. To determine the total number of plants required, the length of each side of property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration.
2. The buffer is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the buffer area, are allowed. The edges of the landscaped buffer may meander provided that:
  - a. the total area of the buffer is equal to or greater than the total area of the required landscaped buffer; and,
  - b. the landscaped buffer measures at least five feet in width at all points along the perimeter of the property line of the site requiring a buffer.
3. When the requirements of this section result in a fractional number of plantings, the fraction shall be counted as one plant unit.



## **LANDSCAPE STANDARD "A"**

PLANT MATERIAL / 100'

2.4 CANOPY  
.8 UNDERSTORY  
8 SHRUBS  
10' WIDTH

## **LANDSCAPE STANDARD "B"**

PLANT MATERIAL / 100'

4 CANOPY  
1.6 UNDERSTORY  
16 SHRUBS  
20' WIDTH

#### *H. Responsibility for Landscaped Buffers*

1. The desired width of a landscaped buffer between two parcels is the sum of the required landscaped buffers of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer for that use, a lesser buffer will be allowed, except as provided below, until the nonconforming parcel is redeveloped and brought into conformity with the buffer requirements of this Code. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer in designing the site layout of the new development.
2. Where a residential use is proposed next to an existing non-residential use, or a non-residential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer abutting the property proposed for development, the proposed use shall provide eighty (80) percent of the combined required buffer of the two uses. Where the existing use has a buffer, but such buffer does not meet the requirements of this Code, the proposed use may provide less than eighty (80) percent of the combined required buffers if the provision of such lesser amount will create a buffer meeting one hundred (100) percent of the combined required buffer of the two uses.

#### *I. Maintenance of Landscaped Buffers*

The maintenance of all landscaped buffers shall be the responsibility of the property owner. Failure to maintain such landscaped buffers in an attractive and healthy state shall be considered a violation of this Chapter subject to enforcement in accordance with Chapter X.

### **5.03.03 Landscaping of Vehicular Use Areas**

#### *A. Applicability*

The requirements of this Section shall apply to off-street parking facilities and other vehicular use areas that:

1. have ten or more parking spaces; or,
2. are designed to accommodate vehicles that are larger or smaller than automobiles and are over 3,500 square feet in area.

#### *B. Perimeter Requirements*

A ten-foot wide strip of land, located along the front property line adjacent to the street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten-foot wide front perimeter landscape area.

1. Landscaped Material Requirements in Perimeter Area

- a. One tree for each fifty (50) feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three (3) inches in diameter at breast height. The remaining area within the perimeter strip shall be landscaped with other landscape materials.
- b. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) and nine (9) feet above the average grade of the adjacent street and driveway intersections through the perimeter strip.

C. *Interior Planting Areas*

1. At least ten percent (10%) of the gross area of the interior vehicular use area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside seven-foot wide or greater medians, or between rows of cars or as part of continuous street or transitional protective yards. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
  - a. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by an interior planting area.
  - b. Trees shall be required at the minimum rate of one shade tree for every three thousand five hundred (3,500) square feet of total vehicular use area. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Required trees shall be selected from the designated shade trees on the protected tree list (Section 5.03.04(B)) or the tree replant list (5.03.04(F)) and shall be at least eight (8) feet in height and three (3) inches in diameter at breast height.
2. Minimum size of interior planting areas
  - a. A minimum of ninety (90) square feet of planting area shall be required for each new small shade tree.
  - b. A minimum of one hundred and twenty-five (125) square feet of planting area shall be required for each medium or large shade tree.
3. A minimum planting area of fifty (50) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than fifty (50) percent is needed to preserve the tree, additional areas may be negotiated between the applicant and the county.

4. In no case shall the minimum planting area be less than ninety (90) square feet.

*D. Vehicle Overhang*

Vehicles shall not overhang more than two (2) feet into any interior planting area or perimeter strip.

1. Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of the water to root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).

### **5.03.04 Removal of Trees and Native Vegetation**

*A. Permit Required to Remove Protected Trees*

Unless exempt from the provisions of this Section, no person shall remove, or in any way damage any protected tree without first obtaining a permit from the County in accordance with Section 10.07.06.

*B. Protected Trees*

The following trees are considered protected trees for the purposes of this Code:

1. Holmes County (unincorporated), Ponce de Leon, Westville, Noma: All trees with a diameter at breast height of eighteen (18) inches or greater, except those trees located within the footprint of the proposed building and required parking area.

Town of Esto: In areas designated for residential use, all trees with a diameter at breast height of thirty-six (36) inches or greater, except those trees located within the footprint of the proposed building and required parking area. In all other land use categories, all trees with a diameter at breast height of eighteen (18) inches or greater, except those trees located within the footprint of the proposed building and required parking area.

2. Small trees -- Diameter at Breast Height of Four Inches (4") or Greater
  - (a) Dogwood (*Cornus florida*)
  - (b) Redbud (*Cercis canadensis*)

### *C. Exemptions*

In addition to the exemption for single family homes set forth in Section 5.03.01(B), the following uses shall be exempt from the tree protection requirements:

#### 1. Single Family Dwelling Units

Lots or parcels of land on which a single-family home is used as a residence shall be exempt for all trees where the removal of the tree is necessary for the construction of structural or built improvements and for all trees with a diameter at breast height of less than eighteen (18) inches except that champion, heritage, historic, and specimen trees on such parcels shall be protected according to the protection regulations. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require site plan approval.

#### 2. Utility Operations

Tree pruning and removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state, or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. All pruning and trimming shall be done in accordance with National Arborist Association Standards. Written notice of the areas where authorized removal is anticipated shall be provided to the Department at least five (5) days prior to the removal, except that when the removal is needed to restore uninterrupted service under emergency conditions, no prior notice is required.

#### 3. Rights of Way

The clearing of a path for existing or new roadway rights of way, provided that the rights of way are for existing roadways that are built in conformance with County standards or for new roadways that will be built in conformance with County standards. To qualify for the exemption for new roadways, the developer must post a bond, letter of credit, cash, or other security guaranteeing the repair or replacement of the roadways in accordance with Section 10.02.11. The width of the path shall not exceed the right of way width standards for each type of roadway established in Section 6.01.02.

#### 4. Commercial Growers

All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this part, but only as to those trees and sites which were planted or managed for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business. This exemption shall also include private landowners who engage in silviculture activities.

5. Emergencies

During emergencies caused by hurricane or other disaster, the County may suspend these tree protection regulations.

*D. Conditions for Tree Removal Permit*

1. It is the intent of this Section to minimize the removal of protected trees and that no permit shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized. In particular, the design must attempt to preserve specimen and historic trees.
2. No permit for the removal of a protected tree shall be granted unless the developer demonstrates one or more of the following conditions:
  - a. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
  - b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
  - c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
  - d. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
  - e. The tree is diseased, insect ridden, or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, building or other improvements.
  - f. Any law or regulation requires the removal.
3. The procedures for obtaining a tree removal permit shall be in accordance with Section 10.07.06.

*E. Replacement of Removed Trees*

1. Trees removed pursuant to paragraph (D) above shall be replaced at the expense of the developer. Removed protected trees shall be replaced with a protected tree species or a species identified on the Tree Replant List.
2. Each removed tree shall be replaced with new tree(s) having a total tree caliper equivalent to that of the removed tree.
3. Single-trunk replacement trees shall be a minimum of one inch (1") caliper and a minimum of six feet (6') in overall height.
4. A replacement tree may be a tree moved from one location to another on the site.
5. If the applicant demonstrates to the satisfaction of the County that the site cannot accommodate the total number of required replacement trees as a result of insufficient planting area, the applicant shall provide a monetary contribution to the Tree Protection and Related Expenses Trust Fund. The amount of such contribution shall be determined as follows: For every two caliper inches, or fraction thereof, of replacement trees which would otherwise be required, the contribution shall be equal to the retail value of a planted two inch (2") caliper nursery grown shade tree. The retail value shall be calculated by taking the average of the median current wholesale price, published by North Florida nurseries, for a container grown, and a balled and burlaped two inch (2") caliper laurel oak, multiplied by two (2). The retail value shall be recalculated and adjusted annually on October 1st.
6. Any replacement tree, planted for credit, which dies within one (1) year of planting shall be replaced by a tree of a minimum of three inches (3") in diameter at the time of planting.

*F. Tree Replant List*

1. Small Trees
  - a. Crabapple (*Malus angustifolia*)
  - b. Crapemyrtle (*Lagerstroemia indica*)
  - c. Devil's Walkingstick (*Aralia spinosa*)
  - d. Fringe Tree (*Chionanthus virginicus*)
  - e. Fringe Tree, Chinese (*Chionanthus retusa*)
  - f. Goldenrain Tree (*Koelreuteria elegans*)

- g. Hawthorn (*Crataegus* spp.)
  - h. Holly, Dahoon (*Ilex cassine*)\*
  - i. Hop-hornbeam (*Ostrya virginiana*)
  - j. Hornbeam (*Carpinus caroliniana*)
  - k. Loquat (*Eriobotrya japonica*)
  - l. Magnolia, Orienta (*Magnolia* spp.)\*
  - m. Mimosa (*Albizia julibrissin*)
  - n. Pear, Bradford (*Pyrus calleryana* Bradford)
  - o. Plum, American (*Prunus americana*)
  - p. Plum, Wild (*Prunus angustifolia*)
  - q. Rusty Blackhaw (*Viburnum rufidulum*)
  - r. Smooth Redbay (*Persea borbonia*)\*
  - s. Sparkleberry Tree (*Vaccinium arboreum*)
2. Medium and Large Trees
- a. Ash, White (local) (*Fraxinus americana*)\*
  - b. Birch, River (*Betula nigra*)\*
  - c. Basswood (*Tilia caroliniana*)
  - d. Catalpa, Southern (*Catalpa bignonioides*)
  - e. Cedar, Atlantic White (*Chamaecyparis thyoides*)
  - f. Cedar, Southern Red (*Juniperus virginiana*)
  - g. Cherry Laurel (*Prunus caroliniana*)\*
  - h. Cottonwood (*Populus deltoides*)



- i. Cypress, Pond (*Taxodium ascendens*)
- j. Elm, Florida (*Ulmus american floridana*)\*
- k. Elm, Winged (*Ulmus alata*)\*
- l. Hickory (*Carya spp.*)\*
- m. Loblollybay (*Gordonia lasianthus*)
- n. Maple, Florida (*Acer barbatum floridanum*)\*
- o. Mulberry, Red (*Morus rubra*)
- p. Oak, Post (*Quercus stellata*)\*
- q. Oak, Shumard (*Quercus shumardii*)\*
- r. Oak, Swamp Chestnut (*Quercus michauxii*)\*
- s. Oak, White (*Quercus alba*)\*
- t. Palm, Cabbage (*Sabal palmetto*)
- u. Palm, Pindo (*Butia capitata*)
- v. Persimmon (*Diospyros virginiana*)
- w. Pine, Longleaf (*Pinus palustris*)
- x. Pine, Slash (*Pinus elliottii*)
- y. Pine, Spruce (*Pinus glabra*)
- z. Sweetbay (*Magnolia virginiana*)\*
- aa. Tulip Tree (*Liriodendron tulipifera*)
- bb. Tupelo, Water (*Nyssa aquatica*)
- cc. Walnut, Black (*Juglans nigra*)\*
- dd. Waxmyrtle (*Myrica cerifera*)\*

\* Shade Trees

*G. Historic, Specimen, Champion, and Heritage Trees*

1. A historic tree is one that has been designated by the County as one of notable historical interest and value to the County because of its location or historical association with the community. A public hearing shall be held by the County on the designation with due notice to the owner of the tree.
2. A specimen tree is one that has been officially designated by the County to be of high value because of its type, size, age or other relevant criteria. A public hearing on the designation shall be held by the County with due notice to the owner of the tree.
3. A champion tree is one that has been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as being the largest of their species in the United States. Any tree in Holmes County selected and duly designated a Florida State Champion, United States Champion or World Champion by the American Forestry Association shall be protected.
4. A heritage tree is any tree with a diameter of at least thirty inches (30") or seven feet ten inches (7'10") in circumference, whichever dimension is less, measured at a point fifty-four inches (54") above ground level. Heritage trees shall be considered protected trees.
5. No historic, champion, heritage or specimen tree shall be removed without a finding by the County that tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree.

*H. Protection of Trees During Development Activities*

1. Generally

To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:

- a. Mechanical injuries to roots, trunk and branches;
- b. Injuries by chemical poisoning;
- c. Injuries by grade changes;
- d. Injuries by excavations; and
- e. Injuries by paving.

## 2. Tree Protection Zone

A circular tree protection zone shall be established around each protected tree as follows:

- a. If the drip line (see figure 5.03.04-F) is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree.
- b. If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree.
- c. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that area within a radius of twenty (20) feet around the tree.

### **Figure 5.03.04-F Dripline**

Cut & Paste Fig. here

3. Development Prohibited Within the Tree Protection Zone

All development activities except those specifically permitted by Section 5.03.04(G)(5) below shall be prohibited within the tree protection zone provided for any protected trees, including any construction of buildings, structures, paving surfaces, and stormwater retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, storage of construction material, and parking of construction vehicles.

4. Fencing of Tree Protection Zone

Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barrier as follows:

- a. Wooden, or similar, posts at least 1.5 X 3.5 inches shall be implanted in the ground deep enough to be stable and with at least three (3) feet visible above ground.
- b. The protective posts shall be placed not more than six (6) feet apart, and shall be linked together by a rope or chain.

5. Permitted Activities Within the Tree Protection Zone

- a. Excavating or trenching by duly constituted utilities, except where the trees are historic, specimen, champion, or heritage, in which case utility lines shall be tunneled beneath tree roots in order to protect feeder roots.
- b. Sodding and Ground Cover - Placement of sod or other ground covers, and the preparation of the ground surface for such covers.

*I. Preservation of Native Vegetation*

In addition to the tree preservation requirements, development sites shall comply with the following requirements for the preservation of native shrubs and ground cover:

1. Within the Recreational Land Use District, a minimum of twenty-five percent (25%) of the total acreage of the site that is populated by native shrubs and/or groundcover shall be preserved.
2. Within all other districts, a minimum of ten percent (10%) of the total acreage of the site that is populated by native shrubs and/or ground cover shall be preserved.
3. The native shrubs and ground cover occurring on the site may be used to satisfy the landscaped buffer and vehicular use landscaping requirements of this Chapter.

- J. Preservation of Protected Trees and Native Vegetation as Grounds for Reduction in Required Parking*
1. A reduction of required parking spaces may be allowed by the Local Planning Agency when the reduction would result in:
    - a. the preservation of a protected tree with a trunk of twelve (12) inches in diameter or greater; or,
    - b. the preservation of native shrubs and/or ground cover in a quantity exceeding the minimum requirements of Section 5.03.04(H).
  2. The reduction in required parking may be granted only if it will prevent the removal of a protected tree or native vegetation that is located within the area of the site designated as a vehicular use area. The following reduction schedule shall apply:

### **REDUCTION SCHEDULE**

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1-4	0
5-9	1
10-19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees or percentage of native vegetation preserved)

## **5.04.00 OFF-STREET PARKING AND LOADING**

### **5.04.01 General Provisions**

#### *A. Purpose*

The requirements of this section are intended to ensure that every building, structure, or use erected or instituted, except for agricultural uses and buildings, shall be provided with adequate off-street parking facilities for the use of occupants, employees, visitors, and patrons, and that certain uses be provided with adequate off-street loading facilities, thereby reducing congestion to the public streets and promoting the safety and welfare of the public.

#### *B. Existing Structures and Uses*

Buildings or structures existing as of the effective date of this Code may be modernized, altered, or repaired without providing additional off-street parking or loading facilities, provided there is no increase in floor area or capacity and no change of occupancy classification.

*C. Expansion of Structure*

The proposed expansion in floor area, volume, capacity, or space occupied of any structure existing on or before March 1, 1991, shall result in the compliance with all off-street parking and loading requirements contained in this Code for both existing and new structures.

*D. Change in Use*

If after the effective date of this Code, a change in the use of a building or structure would result in a requirement for additional parking over that required for the existing use, then all off-street parking and loading requirements contained in this Code shall be complied with for the new use.

*E. Space Requirements*

Parking space requirements for a use not specifically listed in the chart shall be derived from the report entitled "Parking Generation" (1989) published in the Institute of Traffic Engineers (ITE).

**5.04.02****Off-Street Parking Space Requirements Chart**Land UseSpaces Required**Dwellings:**

- |    |   |  |
|----|---|--|
| 1. | Apartment, condominium<br>townhouse, cooperative or<br>duplex |  |
|    | Efficiencies, studios<br>1 bedroom                            | 1.5 per unit   |
|    | 2 or more bedrooms  | 2 per unit   |
|    | Duplex  | 2 per unit   |
| 2. | Hotel and Motel   | 1.1 per unit room or suite, plus 10 per 1000 sq.ft. of<br>floor area for restaurant and lounge areas           |
| 3. | Mobile home and travel<br>trailer parks                       | 1.5 spaces per each mobile home<br>unit, or travel trailer space,<br>plus 1 additional for manager<br>or owner |
| 4. | Boarding and rooming,<br>houses, dormitories                  | 1 per each guest bedroom   |

**Public Assembly:**

- |    |   |  |
|----|---|--|
| 1. | Church, temple or other<br>place of worship             | 1 per 4 seating spaces in main<br>assembly room*   |
| 2. | Fraternal organization                                  | 1 per 300 sq.ft. of gross floor<br>area, plus 1.5 per room for<br>overnight accommodations |
| 3. | Auditorium, theater,<br>gymnasium or convention<br>hall | 1 per 3 seats or seating<br>spaces*  |

Land Use

Spaces Required

- |     |   |  |
|-----|---|--|
| 4.  | Libraries, museums  | 2 per each 1,000 sq.ft. of gross floor space                                     |
| 5.  | Schools   |  |
|     | Elementary and junior high schools                            | 2 spaces per classroom   |
|     | High Schools  | 8 spaces per classroom   |
|     | Colleges and universities                                     | 10 spaces per classroom  |
| 6.  | Day care facilities   | 1 space per staff member plus 1 space per 5 children (based on maximum capacity) |
| 7.  | Amusement place, dance hall, swimming pool or exhibition hall | 1 space per 200 sq.ft. of gross floor area                                       |
| 8.  | Bowling Alley   | 5 per bowling lane   |
| 9.  | Miniature Golf Course   | 3 per hole   |
| 10. | Amusement Park or Outdoor Attraction                          | 10 spaces per each acre of amusement park or outdoor attraction area             |

**Health Facilities:**

- |    |                                       |  |
|----|---------------------------------------|--|
| 1. | Hospital                              | 1.5 spaces per each bed  |
| 2. | Nursing homes or similar institutions | 1 per each 4 beds, plus 1 per each 4 employees, including nurses |
| 3. | Animal hospital or kennel             | 1 per 400 sq.ft. of gross floor area                             |



4. Medical, dental and health offices and clinic area 7 per 1,000 sq.ft. of floor
5. Funeral parlors or mortuaries 5 per parlor chapel unit or 4 seats, whichever is greater\*

Land Use

Spaces Required

**Commercial Establishments and Offices Including  
but not Limited to the Following Types:**

- |    |  |   |
|----|--|---|
| 1. | Banks  | 5 spaces per 1,000 sq.ft. of<br>gross floor area          |
| 2. | Food stores  | 5 spaces per 1,000 sq.ft. of<br>gross floor area          |
| 3. | Furniture stores   | 2 spaces per 1,000 sq.ft. of<br>gross floor area          |
| 4. | Automobile Service Station   | 2 spaces plus 4 spaces per<br>service bay                 |
| 5. | General business, commercial<br>or personal service<br>establishment catering to<br>retail trade | 5 spaces per 1,000 sq.ft.<br>of gross floor area          |
| 6. | Offices, excluding medical,<br>dental and health clinics<br>and offices                          | 5 spaces per 1,000 sq.ft.<br>of gross floor area          |
| 7. | Eating and Drinking<br>Establishments  | 10 spaces per 1,000 sq.ft.<br>of gross floor area         |
| 8. | Shopping centers   | 10 spaces per each 1,000 sq.ft.<br>of gross leasable area |

**Industrial (non-retail business)**

- |    |   |   |
|----|---|---|
| 1. | Commercial, manufacturing<br>and industrial establish-<br>ments not catering to<br>retail trade | 2 spaces per 1,000 sq.ft. of<br>gross floor area for each<br>square foot up to 100,000<br>square feet, plus 1 space per<br>1,000 square feet for each<br>square foot over 100,000 square<br>feet of gross floor area. |
|----|---|---|

2. Wholesale, manufacture,  
processing or assembly
- 2 spaces per 1,000 sq.ft. of  
gross floor area for each  
square foot up to 150,000  
square feet, plus 1 space per  
1,000 square feet for each  
square foot over 150,000  
square feet of gross floor area

Land Use

Spaces Required

**Industrial (non-retail business) (con't)**

- |    |   |  |
|----|---|--|
| 3. | Warehousing not associated with any other industrial or wholesale use | 1/2 space per 1,000 sq.ft. of gross floor area |
| 4. | Miniwarehousing   | 1 space per 5,000 sq.ft. of gross floor area   |

\* Number of seats based on maximum capacity as rated by the Life Safety Code or Standard Building Code.

**5.04.03 Joint Use and Off-Site Facilities**

Parking spaces must be located and maintained within three hundred feet of the building or use served. No parking spaces provided to meet the requirements of one building or use shall be counted as part of the spaces required for another building or use, unless the spaces are jointly provided by uses that are not normally open at the same time. If such a joint parking arrangement is proposed, the applicants must file a written notarized agreement assuring the retention of the joint parking arrangement within the application for a building permit.

**5.04.04 Design Standards**

*A. Minimum Size*

1. Standard parking spaces shall be sized according to Table 5.04.04(A).
2. Spaces for handicapped parking shall be a minimum of twelve (12) feet wide and twenty (20) feet long.

*B. Paving*

1. Acceptable paving material for vehicular parking areas includes asphalt, crushed shells, gravel, dolomite, or other similar material.
2. Access drives and aisles for all parking areas shall be paved, but up to twenty five percent (25%) of the parking spaces may remain unpaved subject to the approval of the County. A place of worship, or other institutional use without daily parking needs may be allowed to leave fifty percent (50%) of all parking spaces unpaved. The applicant shall supply evidence that the

unpaved parking area will not cause erosion, reduce water quality, or any other degradation of the natural or built environment.

3. The unpaved parking area shall not be calculated as part of a minimum required landscaped buffer or open space.

---

**TABLE 5.04.04 (A)**  
**PARKING SPACE STANDARDS**

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>	<u>Curb Length Per Car</u>	<u>Lot Width (2 Rows Plus Aisle)</u>
0°	9'	10'	12'	23'	32'
45°	9'	21.2'	12'	14.1'	54.4'
60°	9'	22.3'	18'	11.5'	62.6'
90°	9'	20'	24'	10'	64'

A = PARKING ANGLE

B = STALL WIDTH

C = STALL DEPTH

cut & paste figure here

D = AISLE WIDTH

E = CURB LENGTH

F = LOT WIDTH

*C. Drainage*

All required off-street parking facilities shall conform to the stormwater management requirements of Section 6.03.00 and shall be drained so as not to cause any nuisance to adjacent private or public property.

*D. Access*

All parking spaces shall have direct access to public streets only by way of aisles or driveways, constructed in accordance with the provisions of this Code.

*E. Handicapped Parking*

Handicapped parking shall be provided as required by the Florida Uniform Traffic Control Law, Ch. 316 Fl. St. Handicapped parking spaces shall be appropriately marked.

*F. Provision of Reserved Parking Areas*

Where, in the determination of the County, the required number of spaces is excessive for a specific use, the owner or agent may substitute landscaping in lieu of paving provided said areas are reserved for future parking should the County find those spaces are needed, and further provided:

1. The owner of the land upon which such parking is being reserved shall enter into a written agreement with the County, to be filed with the County Clerk, with enforcement running to the County ensuring that the reserved parking area shall never be encroached upon, used, sold, leased, or conveyed, for any purpose except in conjunction with the building or use which the reserved parking area serves to long as the off-street parking facilities are required.
2. The owner of the land upon which such said reserved parking is located agrees to bear the expense of recording the agreement which shall bind his heirs, successors, or assigns.
3. The written agreement shall be voided by the County if the reserved parking area is converted to usable parking area or if the reserved parking area is no longer required.

## **5.04.05                      Bicycle Parking Requirements**

### *A.        Number of Spaces Required*

The bicycle parking requirements in this Section are intended to encourage the use of bicycles as a means of transportation in Holmes County. The number of bicycle parking spaces required shall be as follows:

<i>Land Use</i>	<i>Spaces Required</i>
1.      Elementary Schools, Junior High Schools and High Schools	.75 per vehicle parking space
2.      Libraries, Museums	.15 per vehicle parking space
3.      Shopping Centers	.05 per vehicle parking space
4.      Eating and Drinking Establishments	.05 per vehicle parking space
5.      Bowling Alleys	.05 per vehicle parking space
6.      Amusement Centers	.10 per vehicle parking space
7.      Outdoor Recreation Uses	.10 per vehicle parking space

### *B.        Design of Bicycle Parking Spaces*

Required bicycle parking facilities shall be designed and constructed in accordance with the following standards:

1.      Bicycle parking facilities shall include provision for the secure storage and locking of bicycles.
2.      Fixed objects that are intended to serve as bicycle parking facilities shall be clearly labeled as available for bicycle parking.
3.      Individual locker spaces or racks shall be designed so as to provide convenient access to users.

## **5.04.06 Off-Street Loading**

### **A. Off-Street Loading Requirements**

Off-street loading space shall be provided and maintained as follows:

1. For all commercial and industrial development:

<u>Size of Building</u>	<u>Number of Spaces</u>
- 0 - to 24,999 Square Feet	1
25,000 to 59,999	2
60,000 to 119,999	3
120,000 to 199,999	4
200,000 to 299,999	5

- a. Plus, for each additional ninety thousand (90,000) square feet over three hundred thousand (300,000) square feet or major fraction thereof, one (1) space.
2. For each auditorium, convention hall, exhibition hall, museum, motel, hotel, office building, sports arena, stadium, hospital, sanitarium, welfare institution or similar use having an aggregate floor area of:

<u>Size of Building</u>	<u>Number of Spaces</u>
Over 10,000 square feet, but less than 40,000 square feet	1
For each additional 60,000 square feet or major fraction thereof	1

3. For any use not specifically mentioned, the requirements for off-street loading facilities to which the unmentioned use is most similar shall apply. Such determination shall be made by the County.

### **B. Location of Required Loading Spaces**



Loading spaces shall be located on the same lot as the building or structure to which they are accessory.

*C. Designation and Use*

Each required loading space shall be designated as such and shall be used only for loading purposes.

*D. Design and Maintenance*

1. An off-street loading space shall be an area at grade level at least twelve (12) feet by fifty-five (55) feet long with a fourteen (14) foot vertical clearance.
2. Each loading space shall be accessible without crossing or entering any other required off-street loading space. Such loading spaces shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck and trailer.

**5.05.00 OPERATIONAL PERFORMANCE STANDARDS**

**5.05.01 Noise**

Unless otherwise defined, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

*A. Method of Noise Measurement*

Noise shall be measured with a sound level meter that meets the standards of American National Standards Institute (ANSI Section 51.4-1979, Type 1 or Type 2). Noise levels shall be measured using an A-weighted sound pressure level scale. Impact noises shall be measured using the fast response of the sound level meter, and other noises using the slow response. Measurements shall be taken from the property line of the receiving land use.

*B. Maximum Permissible Sound Levels by Receiving Land Use*

1. Maximum Sustained Sound

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use district in the table below.

### **SOUND LEVELS BY RECEIVING LAND USE**

<b>Receiving Land Use District</b>	<b>Time</b>	<b>Sound Level Limit DBA</b>
Residential or Agricultural	7 AM to 10 PM	60
	10 PM to 7 AM	55
Commercial, Public or Recreational	7 AM to 10 PM	70
	10 PM to 7 AM	65
Industrial	At All Times	75

#### ***C. Exemptions***

The following activities or sources are exempt from these noise standards:

1. Activities covered by the following: stationary, non-emergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.
2. Railway locomotives and cars.
3. The sounds of necessary farming equipment for a bona fide agricultural operation.
4. Construction or routine maintenance of public service utilities.
5. Houses of worship bells or chimes.
6. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

#### ***D. Notice of Violations***

Except where a person is acting in good faith to comply with an abatement order, violation of any provision of this Code shall be cause for a notice of violation to be issued by the County Clerk.

#### ***E. Pre-Existing Uses not in Conformance***

Where an industry or commercial business has established its use away from other incompatible uses and subsequently, through the encroachment of development, now finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry or commercial

business shall not emit a noise which exceeds the maximum noise limitation for the receiving land use category by more than 10 decibels.

**5.05.02 Air Pollution**

*A. Standard*

To protect and enhance the air quality of Holmes County, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulations (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Regulation.

*B. Testing*

Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Florida Department of Environmental Regulation and submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

**5.05.03 Glare**

Any operation or activity producing glare shall be conducted so that direct light or indirect light from the source shall not cause illumination in excess of .5 foot candles when measured from the property line of a residential property.

**5.05.04 Odor**

Every use shall be operated to prevent the emission of objectionable or offensive odors in such a concentration as to be readily perceptible at or beyond property lines on which the use is located, as required in Chapter 17.2, "Rules of the Department of Environmental Regulation: Air Pollution," Florida Administrative Code, as revised.

**5.06.00 SUPPLEMENTAL STANDARDS**

**5.06.01 Generally**

Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards set forth in other Sections of this Code. These uses are listed in this part together with the specific standards that apply to the specified use or activity. These standards shall be met in addition to all other standards of this Code, unless specifically exempted.

**5.06.02 Manufactured Housing Sited in Residential Land Use Districts**

Any person desiring to site a manufactured housing unit in a residential land use district shall comply with the following standards:

*A. Standards for Siting Manufactured Housing Units in Residential Districts*

1. Manufactured housing units proposed to be located in Residential Districts shall meet the following requirements:

- a. The unit shall comply with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards and the Florida Manufactured Building Act;
- b. The unit shall be skirted; and,
- c. All transportation equipment must be removed and the manufactured home must be properly anchored according to the County's Building Code or the manufacturer's recommendations.

2. Additional Design Standards for Designated Neighborhoods

The Board of County Commissioners may designate neighborhoods where, in order to preserve the character of the neighborhood, manufactured housing must comply with additional design standards. A public hearing on the designation shall be held by the County with due notice to the homeowners within the boundaries of the neighborhood. Manufactured housing units proposed to be located in these neighborhoods shall meet the following requirements:

- a. The unit shall comply with the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards or the Florida Manufactured Building Act;
- b. The minimum horizontal dimension of the main body, as assembled on the site, shall not be less than twenty (20) feet, as measured across the narrowest portion;
- c. The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run and the minimum distance from eave to ridge is one-half (1/2) the minimum horizontal dimension;
- d. The roofing material used shall be similar in texture, color and appearance so that of detached single-family dwelling units in the same character district in which it is to be located; and,

- e. The materials used for the exterior finish and skirting shall be similar in texture, color and materials to detached single-family dwelling units in the same character district in which it is to be located, and are applied in such a manner as to make the manufactured housing unit similar in appearance with surround detached single-family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.
- f. All transportation equipment must be removed and the manufactured home must be placed on a permanent foundation and properly anchored according to the County's Building Code or the manufacturer's recommendations.

*B. Exemptions*

Manufactured housing units located within a mobile home park designed exclusively for manufactured housing are exempt from the requirements of this Section. Manufactured housing units located in Agricultural, Crossroads Mixed Use, Silviculture, and Conservation land use designations are exempt from the requirements of this Section.

*C. Application Contents*

- 1. Any person proposing to site a manufactured housing unit in a residential land use district, unless exempted by Section 5.06.02(B), shall submit the following application information to the County:
  - a. The applicant's name and address.
  - b. Legal description, street address, lot number and subdivision name, if any of the property upon which the manufactured housing unit is to be located.
  - c. Statement of ownership.
  - d. Size of subject property in square feet and acres.
  - e. Proof that the manufactured housing unit has met the requirements of either the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards or the Florida Manufactured Building Act.
  - f. Statement describing the type and dimensions of the manufactured housing unit proposed to be located on the property.
- 2. In addition to the application requirements above, applicants proposing to site a manufactured housing unit in neighborhoods designated by the County Commission pursuant to Section 5.06.02(A)(3), unless located in a mobile home park designed exclusively for manufactured housing, shall submit the following information to the County:

- a. Elevations and photographs of all sides of the manufactured housing unit proposed to be located on the property.
- b. A statement describing the exterior dimensions and roof slope of the manufactured housing unit proposed to be located on the property.
- c. A description of the exterior finish of the manufactured housing unit, including exterior walls and roof.
- d. A description of the skirting materials to be used.
- e. A schematic design of the manufactured housing unit showing the roof, skirtings, and other improvements.

*D. Procedure for Review of Applications*

- 1. Within thirty (30) days after an application has been submitted, the County shall determine whether the application is complete. If the County determines the application is not complete, it shall send a written statement specifying the application's deficiencies to the applicant by mail. The County shall take no further action on the application unless the deficiencies are remedied.
- 2. When the County determines the application is complete, it shall review the application, and shall decide whether the proposal complies with the standards for manufactured housing units sited in residential districts. Notification of the decision shall be filed with the County Clerk and shall be mailed to the applicant.

**5.06.03 Institutional Residential Homes**

- A. Institutional residential homes shall be allowed in residential districts subject to the following conditions:
  - 1. When a site for an institutional residential home has been selected by a sponsoring agency in a residential land use district, the agency shall notify the County in writing and include in the notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the district administrator of the Department of Health and Rehabilitative Services indicating the need for an the licensing status of the proposed institutional residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of clients in the home. The district administrator shall also provide to the County the most recently published data compiled that identifies all institutional residential homes in the district in which the proposed site is to be located. The County shall

review the notification of the sponsoring agency in accordance with applicable requirements of this Code.

2. Pursuant to such review, the County may:
    - a. Determine that the siting of the institutional residential home is in accordance with applicable requirements and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
    - b. Fail to respond within sixty (60) days. If the County fails to respond within such time, the sponsoring agency may establish the home at the site selected.
    - c. Deny the siting of the home.
  3. The County shall not deny the siting of a institutional residential home unless the County establishes that the siting of the home at the site selected:
    - a. Does not otherwise conform to existing regulations applicable to other or institutional uses in the area.
    - b. Does not meet applicable licensing criteria established by the Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
    - c. Would result in such a concentration of institutional residential homes in the area in proximity to the site selected, such that the nature and character of the area would be substantially altered. A home that is located within a radius of one thousand two hundred (1,200) feet of another existing institutional residential home shall be overconcentration of such homes that substantially alters the nature and character of the area.
  4. All distance requirements shall be measured from the nearest point of the existing home to the nearest point of the proposed home via path of travel.
- B.* The County shall, within twenty (20) days of the receipt of the application provided for in (1) above, review the application and provide the applicant with a written decision outlining reasons for the decision. The applicant may appeal the decision of the County by notifying the County Clerk within ten (10) days from the date of the County's decision. Appeals of the decision of the County shall be in accordance with Section 10.11.00.

#### **5.06.04                      Recreational Vehicle Parks**

##### *A.      General Requirements*



A recreational vehicle park shall meet the following general requirements:

1. It shall be primarily for recreational use by persons with transportable recreational housing, with appropriate accessory uses and structures.
2. The land on which it is developed shall be under unified control and shall be planned and developed as a whole in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.
3. The principal and accessory uses and structures shall be substantially related to the character of the development in the context of the district of which it is a part.
4. The park shall be developed according to comprehensive and detailed plans that include streets, utilities, lots and building sites.
5. The park shall have a program for provision, maintenance and operation of all areas, improvements, and facilities for the common use of all or some of the occupants of the park, but will not be provided, operated or maintained at general public expense.

*B. Allowable Uses*

The allowable uses in a recreational vehicle park include the following:

1. Recreational vehicles.
2. Park trailers (park models) as defined by Ch. 320 Florida Statutes, provided they are placed in an area designated exclusively for that use on an approved final site plan. Park models are not to be set up for more than ninety (90) consecutive days, or for more than forty-five (45) consecutive days in areas of special flood hazard unless elevated and anchored to comply with the flood plain protection standards of this Code.
3. Convenience establishments for the sale or rental of supplies or for provision of services, for the satisfaction of daily or frequent needs of campers, within the park may be permitted. These establishments may provide groceries, ice, sundries, bait, fishing equipment, self-service laundry equipment, bottled gas and other similar items needed by users of the park. These establishments shall be designed to serve only the needs of the campers within the park and shall not, including their parking areas, occupy more than 5% of the area of the park, and shall not be so located so as to attract patronage from outside the grounds, nor have adverse effects on surrounding land uses.

*C. Site Design Requirements*

The following site design requirements shall be met:

1. The minimum land area for a recreational vehicle park shall be eight (8) acres.
2. The maximum density for a recreational vehicle park shall be eighteen (18) spaces per gross acre. Storage spaces shall be included in the density calculation.
3. Individual spaces shall take access to internal streets and shall not take direct access to adjoining public rights-of-way.
4. Access to the recreational vehicle park shall be from a collector or arterial roadway.
5. Internal streets shall provide safe and convenient access to spaces and appropriate park facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained and dust-free surface that is of adequate width to accommodate anticipated traffic.
6. Camping spaces shall be so located in relation to internal streets so as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering room shall be provided in the adjacent internal street and within the space.
7. Where spaces are to be used exclusively for erection of tents on the ground, provision for vehicular access onto such spaces shall not be required, but parking areas shall be located within one hundred (100) feet, except in circumstances in which providing such vehicular accessibility would result in excessive destruction of trees or other vegetation, or where it would be impractical to provide such parking areas within such distances for particularly desirable campsites.
8. Spaces shall be so related to pedestrian ways and principal destinations within the park as to provide for convenient pedestrian access to such destinations by the pedestrian systems.
9. No minimum dimensions are specified for spaces, but each shall provide the clearances specified herein, and the boundaries of each space shall be clearly indicated.
10. Spaces for dependent units shall be located within two hundred (200) feet by normal pedestrian routes of toilet, washroom and bath facilities.
11. Spaces for self-contained units, operating as such, may not be located more than four hundred (400) feet by normal pedestrian routes from toilet, washroom and bath facilities.

12. Stands shall be so located that when used, clearance from units, including attached awnings and the like, shall be as follows:
  - a. From units on adjoining stands 10 feet
  - b. From internal streets of common parking area 10 feet
  - c. From portions of building not containing uses likely to disturb stand occupants, or constructed or oriented so that noise and lights will not be disturbing to occupants of space 25 feet
  - d. From any other use or fueling facility 50 feet
13. Where fireplaces, cooking shelters or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance within the park and in adjoining areas.

#### **5.06.05 Junkyards**

##### *A. Restrictions as to Location*

No junkyard, junk or automobile graveyard shall be kept, operated or maintained in the incorporated or unincorporated areas of Holmes County within 300 feet of the right-of-way of any public street or highway, except the following:

1. Junkyards which are entirely enclosed by a solid wall or wood fence at least six feet (6') in height, but in no case lower than the material contained in the junkyard. The fence or wall enclosing the junkyard shall not be used for bill postings or other advertising purposes, except that a space not larger than 6 feet x 12 feet may be used for the advertisement of the business of the owner thereof. The fence or wall shall have no more than one opening for each three hundred feet of street frontage. The opening shall not exceed twenty feet (20') in width and shall be provided with a solid gate or door which must be kept closed except for the passage of vehicles.
2. Junkyards or scrap metal processing facilities which are located in areas which are within industrial land use districts designated on the City of Bonifay Future Land Use Map.
3. Two (2) or fewer unlicensed motor vehicles which are located on the private property of the owner or owners of said unlicensed motor vehicles.

#### **5.06.06 Trash Dumpsters**

All trash dumpsters, except those located on construction sites, not stored within a building shall be stored in an enclosure designed to fully screen the dumpster from view. The trash dumpster enclosure shall:

- A. Be enclosed by a fence, wall or landscaping of sufficient height to fully screen the dumpster from view, but not to exceed six (6) feet.

## **5.07.00                    AGPUD**

### **5.07.01                    Generally**

The purpose of Agricultural Planned Unit Developments (AgPUD's) is to allow rural land owners options for development in urban service and rural zones while protecting the rural/agricultural nature of the surrounding area. AgPUD's shall be considered Major Developments and follow the permitting procedures for Major Development outlined in Chapter X of this Code.

### **5.07.02                    Uses Allowed**

The following uses are permissible within the AgPUD designation PUD, including single family dwelling units, commercial, neighborhood commercial, public/semi-public/educational, recreation/open space and public utilities. Stables for horses are permissible, if consistent with other ordinances.

### **5.07.03                    Density and Intensity**

#### **A.                    Density**

The following densities shall be allowed within the AgPUD designation:

1 du/2 acres	-	Rural Zones
1 du/1 acre	-	Urban Service Zones

#### **B.                    Intensity**

The intensity of development of the various land uses which comprise the AgPUD designation shall not exceed the intensity standards established in Section 5.01.05, Table of Development Standards.

### **5.07.04                    AgPUD Density Bonuses**

AgPUD density bonuses in Agricultural designations are as follows:

2% Bonus - Where AgPUD's primary entrance and simple majority of commercial development is proposed within 1/4 mile of an arterial and/or collector crossroads as identified on the "Functional Highway Classification Maps" of the Traffic Circulation Element, OR a

4% Bonus - Where AgPUD is located in an Urban Service Zone.

2% Bonus - Were 5% of total AgPUD housing is considered affordable housing.

In addition, AgPUD's providing public water and sanitary sewer may be awarded a 5% density bonus for each service provided in the development, contingent upon restrictions below.

#### **5.07.05 Restrictions**

The following restrictions shall be imposed on AgPUD developments:

- a. Minimum AgPUD Size shall be as follows:

Rural Zone	-	80 acres
USZ	-	40 acres
- b. Commercial uses shall comprise between 5% and 10% of the AgPUD's gross acreage;
- c. Public/Semi-Public/Educational uses shall comprise between 5% and 10% of the AgPUD's gross acreage. Open Space/Recreational uses shall comprise a minimum of 15% of the AgPUD's gross acreage, which may include buffers.
- d. Sufficient vegetative buffers of not less than 175 feet shall be provided by the developer to minimize conflicts between adjacent agricultural and silvicultural land use designations, and not less than 50 feet adjacent to all other land uses.
- e. Where an AgPUD development proposal enters a "Crossroads Mixed Use" designation on the Future Land Use Map, densities in the AgPUD may increase to the maximum density of the "Crossroads Mixed Use" area where the AgPUD overlies the "Crossroads Mixed Use" designation. All other requirements of the AgPUD shall otherwise supersede the "Crossroad Mixed Use" designated area.
- f. AgPUD's must provide public water and sewer concurrent with all development in areas of moderately high to high aquifer recharge, as identified by the Northwest Florida Water Management District. AgPUD's are not eligible for any density bonus(es) when the AgPUD is located in such an area, regardless of providing public water and/or sewer.
- g. The AgPUD is considered a "Floating Zone" which may occur in "Agricultural" and "Crossroads Mixed Use" designations of the Future Land Use Map. Land uses designated on the Future Land Use Map where an AgPUD is proposed must be redesignated to "AgPUD" through the comprehensive plan amendment process before a final development order is issued.

## **CHAPTER VI**

### **IMPROVEMENT STANDARDS**

#### **6.00.00 GENERAL PROVISIONS**

*6.00.01 PURPOSE*

*6.00.02 RESPONSIBILITY FOR IMPROVEMENTS*

#### **6.01.00 TRANSPORTATION SYSTEMS**

*6.01.01 GENERAL PROVISIONS*

*6.01.02 STREET CLASSIFICATION SYSTEM*

*6.01.03 STREET DESIGN STANDARDS*

*6.01.04 RIGHTS-OF-WAY*

*6.01.05 SETBACKS FROM ARTERIAL ROADS*

*6.01.06 ACCESS MANAGEMENT*

*6.01.07 PRIVATE DRIVEWAY AND ROADWAY REGULATIONS*

*6.01.08 SIDEWALKS AND BIKEWAYS*

*6.01.09 STANDARDS FOR DRIVE-UP FACILITIES*

#### **6.02.00 UTILITIES**

*6.02.01 REGULATION OF PUBLIC AND PRIVATE SEWERS*

*6.02.02 SEWER CONSTRUCTION AND CONNECTION*

*6.02.03 DISCHARGE INTO SEWERS*

*6.02.04 CHARGES AND RATES*

#### **6.03.00 STORMWATER MANAGEMENT**

*6.03.01 PURPOSE*

*6.03.02 RELATIONSHIP TO OTHER STORMWATER REQUIREMENTS*

*6.03.03 EXEMPTIONS*

6.03.04

*STORMWATER MANAGEMENT REQUIREMENTS*

6.03.05

*DEDICATION AND MAINTENANCE OF STORMWATER MANAGEMENT  
SYSTEMS*



## **CHAPTER VI**

### **IMPROVEMENT STANDARDS**

#### **6.00.00                    GENERAL PROVISIONS**

##### **6.00.01                    Purpose**

The purpose of this Chapter is to establish standards for required development improvements. These standards are applicable to all development activity within the unincorporated area of Holmes County and the incorporated areas of the Towns of Esto, Noma, Ponce de Leon, and Westville.

##### **6.00.02                    Responsibility for Improvements**

All improvements required by this Chapter shall be designed, installed and paid for by the developer.

#### **6.01.00                    TRANSPORTATION SYSTEMS**

##### **6.01.01                    General Provisions**

###### *A.       Purpose*

This section establishes minimum requirements applicable to the development transportation system, including public and private streets, bikeways, pedestrian ways and access control to and from public streets. The standards in this Section are intended to minimize the traffic impacts of development, to assure that all development adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.

##### **6.01.02                    Street Classification System**

###### *A.       Generally*

1.     Streets in Holmes County and its municipalities are classified and mapped according to function served in order to allow for regulation of access, road and right-of-way widths, circulation patterns and design speed.
2.     Private streets and streets that are to be dedicated to the County or its municipalities are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and design speed.
3.     When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or development at some future time,

the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.

4. The following street hierarchy is established: local, collector, arterial and freeway. All development proposals containing new streets or taking access from existing street shall conform to the standards and criteria contained in this Section.

#### *B. Local Streets*

Local streets are primarily suited to providing direct access to residential development, but may give access to limited non-residential uses. All local streets should be designed to minimize unnecessary and/or speeding traffic. Alleys, which provide a secondary means of access to lots, are normally on the same level in the hierarchy as a residential street. Each local street shall be classified and designed for its entire length to meet the minimum standards. Local streets shall be designed to have a minimum posted speed of not less than 15 MPH.

#### *C. Collector Roads*

Collector roads provide access to non-residential uses and connect lower order streets to arterial streets. Design speeds and average daily traffic volumes will be higher than for lower order streets. Collector roads shall be designed to have a minimum posted speed of not less than 30 MPH. Design speed may increase depending on conditions and expected traffic volume.

#### *D. Arterial Roads*

Arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses, and shall be designed for posted speeds up to fifty-five (55) miles per hour.

##### *1. Minor Arterial*

These roads link community districts to regional or state highways. They may also give direct access to regionally significant land uses. These roads may take access from other arterials or freeways and may give access to any lower order non-residential street type. Minor arterials shall be designed for posted speeds of forty-five (45) miles per hour.

##### *2. Principal Arterials*

These are major regional highways providing links between communities. These roads may take access from other arterials or freeways and may give access to any lower order non-residential street type. These roads shall be designed for posted speeds of fifty-five (55) miles per hour.

#### *E. Freeways*

These roads provide links between lower order roads or with other freeways. Access to individual land uses is not permitted. These roads may take access from other arterials or freeways and may give access to other arterials or freeways. Freeways shall have a minimum design speed of 60 MPH.

*F. Residential Street Standards*

The following table, Table 6.01.02(G), specifies the road surface widths and minimum curb radii for local streets.

*G. Local Street Standards*

Roadway Type & Design Speed (MPH)	Minimum Road Surface Width				Minimum Curb Radii
	No Parking	Parallel Parking			
		1 Side	2 Sides		
Local					
15 MPH	22'	30'	38'		8'
20 MPH	22'	30'	38'		10'
25 MPH	22'	30'	38'		10'
30 MPH	24'	32'	40'		15'
35 MPH	24'	32'	40'		15'

### **6.01.03 Street Design Standards**

*A. General Design Standards*

1. The street system of the proposed development shall be a network with variations as needed for topographic and environmental design considerations. Particular effort should be directed toward securing the flattest possible grade near intersections.
2. In order to reduce traffic congestion on the arterial and collector roads surrounding the development and to promote a pedestrian environment within the development, streets shall be laid out to:
  - a. Avoid environmentally sensitive areas;
  - b. Secure the view to prominent natural vistas;
  - c. Minimize the area devoted to motor vehicle traffic;
  - d. Promote pedestrian movement so that it is generally more convenient and pleasant to walk short distances than to drive; and,

- e. Promote the creation of vista terminations.
3. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
  4. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.
  5. Streets shall intersect as nearly as possible at right angles and in no case shall the angle of intersection be less than 75 degrees.
  6. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than 150 feet.
  7. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be no less than 1,000 feet.
  8. Private streets may be allowed within developments that will remain under common ownership, provided that they are designed and constructed pursuant to the County's minimum standards.
  9. The terminus of every cul-de-sac shall have an unobstructed ten (10) foot wide moving lane with a minimum outside turning radius of twenty-four (24) feet.

*B. Stub Streets*

1. Residential access and subcollector stub streets may be permitted only within subsection of a phased development for which the proposed street in its entirety has received final site plan approval.
2. Residential collector and higher order stub streets may be permitted or required by the County or its municipalities provided that the future extension of the street is deemed desirable by the County or its municipalities or conforms to Traffic Circulation Element of the Holmes County Comprehensive Plan.
3. Temporary turnarounds shall be provided for all stub streets providing access to five or more lots or housing units. Where four or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

*C. Clear Visibility Triangle*

In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above grade. The clear visibility triangle shall be formed by connecting a point on the edge of each street or driveway right-of-way twenty (20) feet from the point of intersection of the street or driveway right-of-ways, and a third line connecting the two points.

*D. Blocks*

1. Where a tract of land is bounded by streets (excluding alleys) forming a block, said block shall have sufficient width to provide for two (2) tiers of lots of appropriate depths.
2. The lengths, widths and shapes of blocks shall be consistent with adjacent areas. In no case shall block lengths in residential areas exceed two thousand (2,000) feet nor be less than three hundred and fifty (350) feet, unless topographic considerations make conformance with this standard impracticable.

**6.01.04 Rights-of-Way**

*A. Purpose*

The purpose of this Section is to assure a safe and efficient traffic circulation system in Holmes County and its municipalities by establishing a right-of-way widths for future transportation facilities and by prohibiting encroachment of structures into existing rights-of-way.

*B. Permit Required*

Except as provided in Section 6.01.04(G), no person shall construct or maintain any structure or facility (including utilities) or make any other use of a public road or future road right-of-way unless and until a permit has been issued by the County approving and authorizing such construction, maintenance or use. All applications for the use of public right-of-way must describe the space to be used and the length of time of such use. Permits may be granted for a period of time not exceeding six (6) months, if the encroachment does not unreasonably restrict the public use of the right-of-way and the encroachment is necessary to accomplish the objective for which it is requested in a reasonable manner.

*C. Minimum Right-of-Way Requirements*

1. No person shall willfully obstruct any portion of the right-of-way for a new roadway identified in future updates to the Future Traffic Circulation map series established in the Traffic

Circulation Element of the Holmes County Comprehensive Plan, if any. Further, no person shall construct any structure or facility (including utilities) or make any other use of the right-of-way for a new roadway identified in the Future Traffic Circulation map series unless and until a permit has been issued by the County authorizing and approving such construction, maintenance or use as described in Section (B) above.

2. The following minimum right-of-way depths for new roadways are established in the Traffic Circulation element of the Holmes County Comprehensive Plan:

## RIGHT-OF-WAY BY FACILITY TYPE AND AREA TYPE

		<u>Urban</u>	<u>Transitional</u>	<u>Rural</u>
Local	50 Ft.	50 Ft.	50 Ft.	
2-Lane Collector/ One-Way		60 Ft.	60 Ft.	100 Ft.
4-Lane Undivided Arterial		96 Ft.	96 Ft.	125 Ft.
4-Lane Divided Arterial		112 Ft.	112 Ft.	200 Ft.
6-Lane Divided Arterial		112 Ft.	112 Ft.	245 Ft.
4-Lane Freeway		N/A	300 Ft.	300 Ft.
6-Lane Expressway	N/A		350 Ft.	350 Ft.

### *D. Presumption*

Any person who obstructs a public road or future road right-of-way shall be presumed to have done so willfully if the obstruction is allowed to remain on the right-of-way for a period of twenty-four (24) hours after said person has been notified to remove the obstruction by the Board or its authorized representative.

### *E. No Parking Areas*

1. Authority

The County or its municipalities may regulate parking on rights-of-way, and such regulations may include the time and place of parking. No person shall park on any portion of the right-of-way of any public road in Holmes County or its municipalities after it has prohibited the parking thereon in the manner provided in this Section.

2. Public Roads with Speed Limit of 35 MPH or Less

The parking of vehicles on that portion of the right-of-way of public roads not used as a traffic lane and on which the speed limit is thirty-five miles per hour or less shall be authorized and permitted unless the County or its municipalities, after considering factors such as the condition and width of the right-of-way, volume of traffic, safety of traveling and parking vehicles and frequency of parking, determines that parking should be prohibited on said right-of-way of a public road and causes signs to be erected on said portion of the right-of-way where parking is prohibited stating "no parking between signs" or "no parking."

3. Public Roads with Speed Limit of Over 35 MPH

The parking of vehicles on any portion of the right-of-way of public roads on which the speed limit is in excess of thirty-five miles per hour shall be prohibited unless the County or its municipalities, after considering such factors such as the condition and width of the right-of-way, volume of traffic, safety of traveling and parking vehicles and frequency of parking, determines that parking may be permitted and causes signs to be erected in said portion of the right-of-way where parking is permitted stating "Parking Permitted Between Signs" or "Parking Permitted."

*F. Roadside Stands Prohibited*

It shall be unlawful for any person or persons to operate or cause to be operated any roadside stand within or on any portion of the right-of-way of any public road.

*G. Exceptions*

The following shall be exemptions from the requirements of Section 6.01.04(B):

1. Improvement of a public road by a property owner of such public road adjacent to his property with landscaping, shrubbery or grass which is not inconsistent with the use of the public road for road purposes;
2. The parking of motor vehicles on that portion of the public road not used as traffic lanes if not otherwise prohibited above;



3. Use of the public road for road and traffic purposes other than such purposes involving vehicles of such weight or of such characteristics (for example, metal tires or treads) as may, in the opinion of the County Engineer, damage the road surface.
4. The replacement of existing utility facilities, such as telephone poles.

*H. Non-Permitted Structures*

Any structure or facility, including utilities constructed or maintained on public roads in violation of this Section shall be removed from such right-of-way and such right-of-way shall be restored to the condition which existed immediately prior to the construction or maintenance of said structure or facility at the expense of the person constructing, maintaining or owning such structure or facility. If such structure or facility has not been removed and the right-of-way restored as required by this Section within ten (10) days of demand by the County or its municipalities to do so, then such structure or facility may be moved by the County or its municipalities at the expense of the person constructing, maintaining or owning such structure or facility. If such person does not pay to the County or its municipalities the cost of removing such structures and facilities and restoring the right-of-way as required by this Section within ten (10) days of demand, said cost shall be and constitute a lien against all property owned by such person in Holmes County, Florida, to be foreclosed in the manner provided by law.

**6.01.05 Setbacks from Arterial Roads**

No building or structure shall be erected within the following setbacks from arterial roadways. The setback shall be measured from the centerline of the arterial right-of-way as established by the County Engineer. The centerline setbacks apply to both sides of the roadway.

**CENTERLINE SETBACK  
REQUIREMENTS**

	<u>Setback</u>		
	<u>Urban</u>	<u>Transitional</u>	<u>Rural</u>
4-Lane Undivided Arterial	73 Ft.	73 Ft.	88 Ft.
4-Lane Divided Arterial	81 Ft.	81 Ft.	125 Ft.
6-Lane Divided			

## **6.01.06 Access Management**

All proposed development shall meet the following standards for vehicular access and circulation:

### **A. General Standards**

1. Access points must be able to accommodate all vehicle entrances having occasion to enter the site, including delivery vehicles.
2. Access point design must be such that an entering standard passenger vehicle will not encroach upon the exit land of a two-way driveway. Also, a right-turning exiting vehicle will be able to use only the first through traffic land available without encroaching into the adjacent through lane.
3. There must be sufficient on-site storage to accommodate queued vehicles waiting to park or exit without using any portion of the street right-of-way or in any other way interfering with street traffic.

### **B. Number of Access Points**

1. A maximum of one access point shall be permitted to a particular site from each of one or two abutting streets.
2. When it is in the interest of good traffic circulation, the County Engineer, in concurrence with the Board of County Commissioners may permit one additional access point along a continuous site with frontage in excess of three hundred (300) feet, or two additional access points along a continuous site with frontage in excess of six hundred (600) feet.
3. For the purposes of this Section, dual one-way access drives will be considered to be one access point.

### **C. Separation of Access Points**

1. The separation between access points on state-maintained roads shall be in accordance with Florida Department of Transportation (FDOT) rules, Chapter 14-96 and Chapter 14-97.

2. On roads that are not maintained by the state, the separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in the following table:

Functional Class of Roadway   Distance Between Access Points

Principal Arterial	175 feet
Minor Arterial	100 feet
Collector	50 feet

3. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.
4. The County Engineer may permit a single access point for a property that cannot be permitted access consistent with the above standards and which has no reasonable alternative access, as determined by the County Engineer in concurrence with the Board of County Commissioners.

#### **6.01.07                      Private Driveway and Roadway Regulations**

*A.       Purpose*

The regulation and control of private driveway and roadway connections to rights-of-way owned or maintained by Holmes County or its municipalities is necessary to provide for the efficient and safe operation of such roads or highways as may now or hereafter be constructed on such right-of-way, to develop the full potential of the County's or its municipalities' investment in roads and rights-of-way, and for the protection of the recognized access right of owners of property fronting on County or its municipalities owned or maintained right-of-way. The purpose of the regulations set forth in this Section is to regulate and control the location, construction, design, operation and method of financing of access driveways and roadways and thereby correlate the rights of the road user and the abutting owner and satisfy the needs of each to the fullest extent possible.

*B.       Permit Required*

All driveways connecting to any County/municipally owned or County/municipally maintained right-of-way will be constructed by or under the supervision of the County, or its designee. Where constructed or altered by others, proper permits must be obtained from the County. No one shall enter upon any County/municipally owned or County/municipally maintained right-of-way to construct a

driveway or roadway, alter an existing driveway or existing roadway or connect any driveway or roadway except in accordance with **Section 10.07.03**.

*C. County/Municipal Road Construction Projects*

On road construction projects of Holmes County or its municipalities, driveways or roadways shall be provided as replacements for turnouts, driveways or roadways existing at the beginning of construction, if desired by the owner.

*D. Responsibility for Construction or Alteration*

Where driveways or roadways are constructed or altered on any section of County/municipally owned or County/municipally maintained right-of-way, the entire cost of the construction shall be the expense of the property owner; provided that the County or its municipalities may provide, at its expense, the labor necessary to construct one (1) driveway not to exceed forty feet (40') in width to serve residential property designed to accommodate less than four (4) families when such driveway is required in order to provide access from said residential property to a County/municipally owned or County/municipally maintained right-of-way.

*E. Approval of Construction*

Unless otherwise specifically provided on a permit issued by the County, all construction on County/municipally owned or County/municipally right-of-way shall be performed by a contractor previously approved by the County or its municipalities.

*F. Permit Procedures*

Permits for the construction or alteration of driveways or roadways on County/municipally owned or County/municipally maintained rights-of-way will be issued in conformity with the procedures set forth in **Section 10.07.03**.

**6.01.08 Sidewalks and Bikeways**

A. Residential developments adjacent to or within one thousand (1000) feet of an activity center comprised of commercial, office, service, school or recreation activities shall provide pedestrian and bicycle access from the development to the activity center. The distance shall be measured from the property line of the residential development to the property line of the activity center.

B. Pedestrian-ways or crosswalks, not less than ten (10) feet wide, may be required by the County or its municipalities to be placed across the roadway in the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

**6.01.09 Standards for Drive-Up Facilities**

A. Generally

1. Facilities providing drive-up or drive-through service shall not be allowed in residential land use districts.
2. All facilities providing drive-up or drive-through service shall provide on-site stacking lanes in accordance with the following standards.

B. *Standards*

1. The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to the driveway access to streets and intersection.
2. The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks or other pedestrian access ways.
3. A by-pass lane shall be provided.
4. Stacking lane distance shall be measured from the service window to the property line bordering the furthest street provided access to the facility.
5. Minimum stacking lane distance shall be as follows:
  - a. Financial institutions shall have a minimum distance of two hundred (200) feet. Two or more stacking lanes may be provided which together total two hundred (200) feet.
  - b. All other uses shall have a minimum distance of one hundred and twenty (120) feet.
6. Alleys or driveways in or abutting areas designed, approved or developed for residential use shall not be used for circulation of traffic for drive-up facilities.
7. Where turns are required in the exit lane, the minimum distance from any drive-up station to the beginning point of the curve shall be thirty-four (34) feet. The minimum inside turning radius shall be twenty-five (25) feet.

**6.02.00 UTILITIES**

**6.02.01 Regulation of Public and Private Sewers**

A. *Applicability*

1. Except as hereinafter provided, it shall be unlawful to construct or maintain a septic tank, private sewer system utility, or other facility intended or used for the disposal of sewage.
2. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within Holmes County or its municipalities and abutting on any street, alley or right-of-way that are served by an individual septic tank system or other alternative individual domestic waste treatment system is hereby required, at his expense, to install suitable toilet facilities therein, and to connect directly to the proper public sanitary sewer of the County or its municipalities in accordance with the provisions of this Code, within one year of receiving written notice from the County or municipality to do so.
3. A person who owns or operates a private sewer system utility that serves developments, such as subdivisions, apartments, trailer parks, residences, whether multiple or single family, or places of industry, business or assembly, and that is existing and operating on the effective date of this Code shall be required to connect directly to the proper public sanitary sewer in accordance with the provisions of this Code, within one year of receiving written notice from the County or municipality to do so.

*B. Connection Fee*

All connections to the public sewer line shall be made in accordance with the rules and regulations that shall be adopted from time to time by the County or its municipalities, which rules and regulations may provide for a charge for making any connections, said charge to be termed a "connection fee," and said connection fee shall be in such reasonable amount, if any amount, as the County or its municipalities may fix and determine.

*C. Exemptions*

There shall be the following exceptions to the mandatory connection requirement set forth in Section 6.02.01(A)(3):

1. No connection or connections shall be required where said public sewer is more than two hundred (200) feet from the property line of an owner utilizing a septic tank system or other alternative individual domestic waste treatment system, the owner shall first obtain a written permit from the County or municipality that finds that the use of such a system is within the exception and is permissible.
2. No connection or connections shall be required of a person who owns or operates a private sewer system utility that does not endanger the public health, safety and welfare provided that:
  - a. the public sewer line is more than two hundred feet from the property line of any owner utilizing the private sewer system; or,

- b. the public sewer system does not have adequate capacity, as measured by the sanitary sewer level of service standard adopted in the Holmes County Comprehensive Plan, to expand its service area to include the area served by the private sewer system.

A valid State of Florida, Department of Environmental Regulations permit and evidence that the operation of the private sewer system utility is in compliance with all State of Florida, Department of Environmental Regulation standards, shall be prima facie evidence that said private sewer system utility is operating in a manner that does not endanger the public health, safety and welfare. Any person who owns or operates a private sewer system utility shall allow the County or its municipalities to inspect said utility at reasonable times and in a reasonable manner and shall furnish such information as may be requested by the County or its municipalities sufficient to show said utility is operating in a manner so as to not endanger the public health, safety and welfare.

#### *D. Penalties*

If any owner described in Section 6.02.01(B), who does not fall within an exception to the connection requirement as outlined in Section 6.02.01(C), shall fail and refuse to connect with and use the facilities of the public sewer after notification by the County or its municipalities as provided herein, then, in addition to all remedies provided by law, such owner shall pay the base charge as defined in Section 6.02.04(A)(1) and (2) hereinafter for each potential connection that the owner is required to, but has not, utilized.

### **6.02.02 Sewer Construction and Connection**

#### *A. Permit Required*

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the County or its municipalities. This shall not be construed to require a County or municipal permit for the construction or use of an individual septic tank system or other alternative individual domestic waste treatment system.

#### *B. Permit Application Procedures*

There shall be three (3) classes of building sewer permits:

1. for residential service,
2. for commercial service, and
3. for service to businesses producing industrial wastes.

In each case, the owner or his agent shall make application on a special form furnished by the County or its municipalities. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the County or its municipalities. A reasonable permit and inspection fee may be established by the County or its municipalities for each class of building sewer permit.

*C. Responsibility for Expenses*

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the County or its municipalities from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The County or its municipalities may charge a reasonable connection fee.

*D. Building Sewers*

A separate and independent building sewer shall be provided for every building; provided, however, that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered one building sewer.

*E. Reuse of Sewers*

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the County or its municipalities, to meet all requirements of this Code.

*F. Sewer Design*

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the County or its municipalities.

*G. Sewer Placement*

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

*H. Prohibition of Storm and Groundwater Connections*



No person shall make connections of roof downspouts, exterior foundation drains, areaway drains, swimming pools, air conditioning or heating systems or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

*I. Minimum Requirements for Connections*

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the County or its municipalities. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the County or its municipalities before installations.

*J. County/Municipal Supervision*

The applicant for the building sewer permit shall notify the County or its municipalities when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the County or its municipalities.

*K. Protective Measures During Installation*

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the County or its municipalities.

### **6.02.03**

### **Discharge into Sewers**

#### *A. Generally*

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, unpolluted industrial process waters, air conditioning condensate, any discharge from any air conditioning or heating system including heat pumps or swimming pools into any sanitary sewer.

#### *B. Discharge*

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or natural outlets approved by the County or its municipalities. Industrial cooling water or unpolluted process waters shall be discharged to a storm sewer or natural outlet approved by the County or its municipalities for such purpose.

#### *C. Prohibition on Discharge of Pollutants*

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/1 as Cyanide (CN) in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
5. Any industrial waste or septic tank pump-out unless approved for discharge by the County or its municipalities.

#### *D. Prohibition on Discharge of Certain Wastes*

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the County or its municipalities that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming the opinion as to the acceptability of these wastes, the County or its municipalities will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plan, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty (150)1F (651C).
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150)1F (0 and 651C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the County or its municipalities.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the County or its municipalities for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the County or its municipalities as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the County or its municipalities in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.
9. Materials which exert or cause:

- a. Unusual concentration of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, due wastes and vegetable tanning solution).
  - c. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

*E. Remedies*

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6.02.03(D), and which in the judgement of the County or its municipalities may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the County or its municipalities may:

1. Reject the wastes,
2. Require pretreatment to an acceptable condition for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 6.02.03(J).
5. If the County or its municipalities permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the County or its municipalities, and subject to the requirements of all applicable codes, ordinances and laws.

*F. Grease, Oil and Sand Interceptors*

Grease, oil and sand interceptors shall be provided when, in the opinion of the County or its municipalities, they are necessary for the proper handling of liquid wastes containing grease in

excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall comply with the Standard Plumbing Code, shall be of a type and capacity approved by the County or its municipalities, and shall be located as to be readily available and easily accessible for cleaning and inspection.

*G. Maintenance of Facilities*

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

*H. Control Manholes Required*

When required by the County or its municipalities, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the County or its municipalities. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

*I. Measurements, Tests and Analyses*

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all out-falls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD<sub>5</sub> and suspended solid analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

*J. Inspection*

Duly authorized employees or agents of the County and its municipalities bearing proper credentials and identification shall be permitted to enter all properties at reasonable times and in a reasonable manner for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Code.

**6.02.04 Charges and Rates**

Charges and assessments are hereby levied and assessed by the County and its municipalities to be collected by the County and its municipalities payable to the County and its municipalities for services to resident and non-resident users of the public sewer lines, mains and laterals for the disposal of wastewater provided by the County and its municipalities to those residences and commercial and industrial establishments which are connected with the said sewer system, which charges are hereinafter designated at the same time as the payment for water services shall be made as provided by the ordinances of the County and its municipalities and which charges shall be assessed upon the water bill of all users, and the said user shall pay such charges as hereinafter set forth as follows:

*A. Residential User Charges*

1. Each residential user shall pay a base charge independent of volume of water consumed, and an additive charge based on metered volume of water consumed.
2. For purposes of determining residential sewer charges in the winter months of December through February, each user's water consumption shall be taken as that metered water volume properly billed during the current month.
3. For purposes of determining residential sewer charges in the non-winter months of March through November, each user's water consumption shall be taken as the average metered volume properly billed in the preceding winter months (December through February).
4. For those residential users initially served during non-winter months (March through November) for whom no prior winter consumption figures are available, charges during the initial non-winter period of service shall be determined based on an estimated volume of seventy-five percent (75%) of the metered volume properly billed for the current month. Residential users are those defined as generating only domestic waste.
5. Multiple residential units that have individual meters for each unit are considered as residential users and are limited to the maximum residential billing of 15,000 gallons per month per meter. However, if served by a master meter, they are not subject to the maximum billing of 15,000 gallons per month.

*B. Commercial User Charges*

Each commercial user, which shall include all establishments classified in the United States, Office of Management and Budget, Standard Industrial Classification Manual, 1972, and which are not residential users, shall pay a base charge independent of water volume consumed and an additive charge based on metered volume of water consumed by each class. These users are also subject to additional charges to be determined by the County or its municipalities for pollutants in excess of

normal wastewater. Governmental buildings (other than hospitals), schools, churches or other eleemosynary institutions are excluded as commercial users and shall be treated as residential users, but shall not be subject to the 15,000 gallons per month maximum. Actual rates shall be established by resolution at a time when the County or its municipalities has customers.

1. For the purpose of insuring a proportional distribution of operation and maintenance cost to each user, commercial, public building and industrial users shall be subject to a surcharge for discharging wastewater which is defined as having the following concentrations (milligrams per liter - mg/l):
  - a. Biochemical Oxygen Demand at 5 days at 20°C, abbreviated BOD<sub>5</sub> - 250 mg/l
  - b. Total Suspended Solids, abbreviated TSS - 220 mg/l
2. Each commercial, public building and industrial user that is determined to discharge wastewater having pollutants in excess of normal wastewater shall pay a charge dependent on water volume consumed or wastewater discharged and measured by a wastewater flow meter.
3. Pollutants in excess of normal wastewater shall be determined from periodic laboratory analysis of the user's wastewater. Laboratory analysis of the wastewater shall be conducted as outlined in the latest publication of the Standard Methods for the Examination of Water and Wastewater, or American Society for Testing and Materials, Part 31, or the U.S. Environmental Protection Agency Methods.
4. In the event that a commercial, public building or industrial user discharges certain wastes containing inordinate oxygen demanding substances, the County and its municipalities reserves the right to substitute Chemical Oxygen Demand (COD) or Total Organic Carbon (TOC) test instead of BOD<sub>5</sub>. An evaluation of the user's discharge and the cost of treatment will be established for such substances. It shall be the responsibility of any commercial, public building and industrial customer to notify the County and its municipalities of changes in the pollutant and contribution of their wastewater.
5. For purposes of determining commercial, public building and industrial sewer charges, each user's water consumption or wastewater discharged and measured by a wastewater flow meter shall be taken as that metered water volume consumed during the current month.
6. If commercial, public building or industrial users can prove to the satisfaction of the County and its municipalities that substantial amounts of metered water do not enter the wastewater collection system, the sewer bill will be reduced accordingly.
7. Commercial users may be served by separate agreement with the County and its municipalities for wastewater services.

C. *Measurement of Water Reuse*

In the event that the County and its municipalities does not furnish water to the aforesaid users, the water meter used for such unit shall be the measuring instrument unless it shall be found to be faulty or inaccurate by the County and its municipalities. If said meter is found to be faulty or inaccurate, or in the event that there is no meter, then the County and its municipalities shall estimate the wastewater rates in accord with the foregoing rate schedules; or the County and its municipalities may install a meter at its option and at the expense of the user; or the user, at his option, may install a meter acceptable to the County and its municipalities.

*D. Charges for Toxic Pollutants*

Each user that discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge treatment works shall pay for such increased cost.

*E. Annual Review of Rates*

Rates are to be adjusted annually, based on the adopted budget for the wastewater system. This annual review and adjustment shall be the result of studies that reflect any change in the proportionate contribution of wastewater flow or pollutant by any class of user. The adjusted rate or rates, whether an increase or decrease, shall be reflected in each subsequent billing period by the amount of such change. This annual review will ensure a proportional distribution of operation and maintenance and renewal and replacement, and other costs to each user including major and minor commercials and residential users.

*F. Late Charges*

The County and its municipalities may charge a late charge of 10 percent if the sewer bill is not paid within ten (10) days from the date same is due. A sewer bill that has not been paid within thirty (30) days from the date same was due is delinquent. The County and its municipalities shall have the right to use all legal remedies to collect said delinquent bill, including, but not limited to, cutting off water service and sewer service to the customer whose bill is delinquent. Delinquent charges shall bear interest at the rate of 15% per annum.

*G. Security Deposit*

The County and its municipalities may charge a reasonable sewer security deposit.

*H. Bulk Customers*

Each bulk customer shall pay a connection fee of \$200.00 or actual cost to the County and its municipalities of making connection of the bulk customer's private sewer system utility to the public sewer, whichever is greater.

**6.03.00 STORMWATER MANAGEMENT**



### **6.03.01 Purpose**

The purpose of this Section is to protect the surface water, groundwater and other natural resources by ensuring that the stormwater runoff peak discharge rates, volumes and pollutant loadings are managed to minimize the adverse impacts of erosion, sedimentation, flooding and water pollution.

### **6.03.02 Relationship to other Stormwater Management Requirements**

In addition to meeting the requirements of this Code, the design and performance of all stormwater management systems shall comply with Chapter 17-25, Florida Administrative Code. In all cases, the strictest of the applicable standards shall apply. The County will condition final development orders to restrict the commencement of development activity until all applicable stormwater permits from the Florida Department of Environmental Regulation have been issued.

### **6.03.03 Exemptions**

Requirements for stormwater discharge set out in this Code are waived for the activities listed below:

- A. Construction of a single family dwelling unit on a lot or parcel of record, provided that the single family dwelling unit is not part of a larger common plan of development or sale.
- B. Construction of one duplex, provided that the duplex is not part of a larger common plan of development or sale.
- C. Construction of one triplex residential structure, provided that the triplex is not part of a larger common plan of development or sale.
- D. Construction of one quadruplex residential structure, provided that the quadruplex is not part of a larger common plan of development or sale.
- E. Construction of a storage building, shed, swimming pool or other accessory structure to (A), (B), (C) or (D) above.
- F. Performance of maintenance work on existing mosquito control drainage canals for the purpose of public health and welfare.
- G. Performance of maintenance work on existing drainage canals, utilities or transportation systems, provided such maintenance work does not alter the purpose, historical utilization and intent of the drainage system as constructed.
- H. Maintenance to an existing structure.

*I.* Bona fide agricultural activity, including forestry, provided farming activities are conducted in accordance with "Agriculture BMPs Field Office Technical Guide" (1988) published by the Soil Conservation Service and forestry activities are conducted in accordance with the "Silviculture Best Management Practices Manual" (1979) published by the Florida Division of Forestry.

#### **6.03.04 Stormwater Management Requirements**

The following local design criteria shall be used in Holmes County and its municipalities:

##### **A. *Performance Standards***

###### **1. Discharge**

A storm event of 24 hour duration and 25-year return frequency shall be used in computing allowable off-site discharge. Off-site discharge shall be limited to pre-development levels or the first one inch of rainfall, whichever is greater, unless an engineering analysis using professionally accepted methodologies demonstrates that a differing discharge rate should be used. In requesting a lesser rate of discharge, the burden of analysis shall be the responsibility of the City. In requesting a larger rate of discharge, the burden of analysis shall be the responsibility of the developer.

###### **2. Stormwater Facilities**

All development shall provide stormwater facilities that provide retention, or detention with filtration, of the runoff from the first one inch of rainfall; or as an option for projects with drainage areas less than 100 acres, provide for the retention, or detention with filtration, of the first one-half inch of run-off.

##### **B. *Design Standards***

1. The design standards set forth in Section 17-25.025, Florida Administrative Code, shall be used in the design and construction of stormwater management facilities.
2. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural waters shall be minimized.
3. Natural surface waters shall not be used as sediment traps during or after development.
4. A vegetated buffer of at least thirty feet shall be retained or created along the shores, banks or edges of all man-made or natural surface waters.

### **6.03.05**

### **Dedication or Maintenance of Stormwater Management Systems**

#### **A.     *Dedication***

If a stormwater management system approved under this Code will function as an integral part of the County or municipally maintained system, as determined by the County Engineer, the facilities shall be dedicated to the County or its municipalities.

#### **B.     *Maintenance by an Acceptable Entity***

If the stormwater management system is not dedicated to the County or its municipalities, the property owner shall submit:

1.     a written statement describing the actions, including periodic inspections, to be taken to maintain the facility; and,
2.     bond or other assurance of continued financial capacity to operate and maintain the facility.

**CHAPTER VII**  
**ACCESSORY STRUCTURES**  
**AND USES**

**7.00.00                    PURPOSE**

*7.01.00                    ACCESSORY STRUCTURES*

*7.01.01                    GENERAL STANDARDS AND REQUIREMENTS*

*7.01.02                    STORAGE BUILDINGS, UTILITY BUILDINGS, GREENHOUSES*

*7.01.03                    SWIMMING POOLS, HOT TUBS AND SIMILAR STRUCTURES*

*7.01.04                    FENCES*

**7.02.00                    ACCESSORY USES**

*7.02.01                    ACCESSORY APARTMENTS*

*7.02.02                    HOME OCCUPATIONS*

## **Chapter VII**

### **ACCESSORY STRUCTURES**

### **AND USES**

#### **7.00.00                    PURPOSE**

It is the purpose of this Chapter to regulate the installation, configuration, and use of accessory structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

#### **7.01.00                    ACCESSORY STRUCTURES**

##### **7.01.01                    General Standards and Requirements**

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- A.*        There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- B.*        All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C.*        Accessory structures shall not be located in a required buffer or landscaped area unless a variance has been granted by the County or its municipalities pursuant to **Section 9.02.00**.
- D.*        Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- E.*        Accessory structures shall be shown on any development plan with full supporting documentation as required in Chapter X of this Code.

##### **7.01.03                    Storage Buildings, Utility Buildings, Greenhouses**

- A.*        No accessory buildings used for industrial storage of hazardous incendiary, noxious or pernicious materials shall be located within the County or its municipalities.
- B.*        Storage buildings, greenhouses and the like shall be permitted only in compliance with standards for distance between buildings, and setbacks, if any, from property lines.

C. Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.

D. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio or any other site design requirements applying to the principal use of the lot.

E. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings or other such uses.

#### **7.01.04 Swimming Pools, Hot Tubs and Similar Structures**

A. Swimming pools should be permitted only in side and rear yards.

B. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements and other building location requirements of this Code.

C. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than four (4) feet in height. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.

D. Overhead electric power lines shall conform to the standards for the National Electrical Code and National Electrical Safety Code.

E. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.

#### **7.01.05 Fences**

A. In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence or hedge shall be located in the vision triangle.

B. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.

### **7.02.00 ACCESSORY USES**

#### **7.02.01 Accessory Apartments**

A. *Purpose*

The purpose of this section is to provide for inexpensive housing units to meet the needs of older households, making housing available to elderly persons who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential character of neighborhoods where accessory apartments are located.

*B. Standards*

Accessory apartments may be allowed in single-family residential areas provided that all of the following requirements shall be met:

1. No more than one (1) accessory apartment shall be permitted on any residential lot.
2. An accessory apartment shall not exceed 25 percent of the gross floor area of the principal structure on the lot.
3. The accessory apartment shall be located and designed not to interfere with the appearance of the principal structure as a one-family dwelling unit.
4. No variations, adjustments or waivers to the requirements of this Code shall be allowed in order to accommodate an accessory apartment.

**7.02.02 Home Occupations**

A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements:

- A. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
- B. There shall be no change in the outside appearance of the building or premises, or other visible evident of the conduct of such home occupation, other than one sign not exceeding two square feet in area.
- C. No home or occupation shall occupy more than twenty-five (25) percent of the total floor area of the residence.
- D. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- E. No equipment, tools or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors or electrical



interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interferences in any radio, telephone or television receivers off the premises or causes fluctuations in line voltage off the premises.

*F.* A home occupation shall be subject to all applicable occupational licensing requirements, fees and other business taxes of Holmes County and its municipalities.

## CHAPTER VIII

### SIGNS

#### **8.00.00 GENERAL PROVISIONS**

*8.00.01 RELATIONSHIP TO BUILDING AND ELECTRICAL CODES*

*8.00.02 MAINTENANCE*

#### **8.01.00 EXEMPT SIGNS**

#### **8.02.00 PROHIBITED SIGNS**

*8.02.01 GENERALLY*

*8.02.02 SPECIFICALLY*

#### **8.03.00 PERMISSIBLE PERMANENT ACCESSORY SIGNS**

*8.03.01 SIGN TYPES ALLOWED*

*8.03.02 PERMISSIBLE NUMBER, AREA AND HEIGHT OF PERMANENT  
ACCESSORY SIGNS*

*8.03.03 DIRECTIONAL SIGNS*

*8.03.04 SIGNS AT ENTRANCES TO RESIDENTIAL DEVELOPMENTS, FARMS  
AND RANCHES*

*8.03.05 UTILITY SIGNS*

#### **8.04.00 PERMISSIBLE TEMPORARY SIGNS (RESERVED)**

#### **8.05.00 PERMANENT OUTDOOR ADVERTISING SIGNS**

*8.05.01 SIZE OF PERMANENT OUTDOOR ADVERTISING SIGNS*

*8.05.02 LOCATION OF PERMANENT OUTDOOR ADVERTISING SIGNS*

*8.05.03 HEIGHT OF PERMANENT OUTDOOR ADVERTISING SIGNS*

*8.05.04 LIGHTING OF PERMANENT OUTDOOR ADVERTISING SIGNS*

8.05.05	<i>CONSTRUCTION STANDARDS</i>
<b>8.06.00</b>	<b>MEASUREMENT DETERMINATIONS</b>
8.06.01	<i>FACADE AREA</i>
8.06.02	<i>SIGN AREA</i>
8.06.03	<i>NUMBER OF SIGNS</i>
8.06.04	<i>SIGN HEIGHT</i>
<b>8.07.00</b>	<b>DESIGN, CONSTRUCTION AND LOCATION STANDARDS</b>
8.07.01	<i>GENERALLY</i>
8.07.02	<i>COMPLIANCE WITH BUILDING AND ELECTRICAL CODES REQUIRED</i>
8.07.03	<i>ILLUMINATION STANDARDS</i>
8.07.04	<i>PLACEMENT STANDARDS</i>
8.07.05	<i>CLEARANCE STANDARDS</i>
8.07.06	<i>RELATIONSHIP TO BUILDING FEATURES</i>
8.07.07	<i>MAXIMUM PROJECTION</i>
8.07.08	<i>MAXIMUM WINDOW COVERAGE</i>
8.07.09	<i>FORMAT FOR MULTIPLE OCCUPANCY COMPLEXES</i>
<b>8.08.00</b>	<b>LANDMARK SIGNS</b>
8.08.01	<i>GENERALLY</i>
8.08.02	<i>DESIGNATION OF LANDMARK SIGNS</i>
8.08.03	<i>INCENTIVES FOR DESIGNATION OF LANDMARK SIGNS</i>
<b>8.09.00</b>	<b>NONCONFORMING SIGNS</b>
<b>8.10.00</b>	<b>REGISTRATION AS A SPECIALTY SIGN CONTRACTOR</b>

## **CHAPTER VIII**

### **SIGNS**

#### **8.00.00 GENERAL PROVISIONS**

##### **8.00.01 Relationship to Building and Electrical Codes**

These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the County and its municipalities. Wherever there is inconsistency between these regulations and the building code, electrical code or National Electric Safety Code, the more stringent requirement shall apply.

##### **8.00.02 Maintenance**

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the County and its municipalities, and shall present a neat and clean appearance. The vegetation around, in front of, behind and underneath the base of ground signs for a distance of ten (10) feet should be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

#### **8.01.00 EXEMPT SIGNS**

The following signs are exempt from the operation of these sign regulations, and from the requirement in this Code that a permit be obtained for the erection of permanent signs, provided they are not placed within the right-of-way of any road or constructed so as to create a hazard of any kind:

- A.* Signs that are not designed or located so as to be visible from any street or adjoining property.
- B.* On-premise signs of thirty-two (32) square feet or less provided that the signs are no more than eight (8) feet in height.
- C.* Signs necessary to promote health, safety and welfare and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, the United States, Holmes County or its municipalities.
- D.* Decorative flags and bunting for a celebration, convention or commemoration of significance to the entire community when authorized by the County for a prescribed period of time.
- E.* Flags, emblems or insignias of the United States, State of Florida, Holmes County, or its municipalities.
- F.* Temporary political signs announcing a campaign drive or event, provided such signs are removed within fifteen (15) days following a campaign drive or event.

- G.* Holiday lights and decorations.
- H.* Religious displays.
- I.* Real Estate signs shall be exempt from the permit requirements of this Code.

## **8.02.00 PROHIBITED SIGNS**

### **8.02.01 Generally**

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this Code.

### **8.02.02 Specifically**

The following signs are expressly prohibited:

- A.* Signs that are in violation of the building code or electrical code adopted by the County.
- B.* Any sign that, in the opinion of Holmes County, does or will constitute a safety hazard.
- C.* Blank temporary signs.
- D.* Signs that obstruct the vision of pedestrians, cyclists or motorists traveling on or entering public streets.
- E.* Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to Ch. 337.407, Florida Statutes.
- F.* Snipe signs.
- G.* Signs which produce a noise or sound capable of being heard.
- H.* Signs in which over 50 percent of the sign face consists of flashing lights or electronically programmed messages, except time and temperature signs.

## **8.03.00 PERMISSIBLE PERMANENT ACCESSORY SIGNS**

### **8.03.01 Sign Types Allowed**

The following types of permanent accessory signs are allowed, provided that they meet all of the requirements of this Code:

- A. Ground signs; or,
- B. Building signs.

### **8.03.02 Permissible Number, Area and Height of Permanent Accessory Signs**

#### *A. Ground Signs*

The permissible number, area, spacing and height of permanent accessory ground signs for each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall be determined according to the following tables and text:

#### **1. Permissible Ground Signs**

Frontage on a Public Right-of-Way (in feet) Line	# of Signs <u>Allowed</u>	Total Sign Area <u>Allowed</u>	Minimum Distance from any Side <u>Property</u>
Less than 50	1	48	10
At least 50 but less than 100	1	64	15
At least 100 but less than 200	2	96	20
At least 200 but less than 300	2	128	50
At least 300 but less than 400	3	148	50
400 or more	4	192*	50

\*Or 1/4 foot per foot of frontage along a public right-of-way, whichever is greater.

## 2. Height

The maximum height for all ground signs is eighteen feet (18') or 1/4 foot per each foot of frontage on a public right-of-way, whichever is greater, to a maximum height of 50 feet.

### *B. Building Signs*

1. Subject to the design criteria in Section 8.07.00 of this Chapter, the maximum height of a building sign shall be eighteen (18) feet, except that on a building of more than two stories, a single building sign is allowed above eighteen (18) feet on each side of the building.
2. Each multiple occupancy complex may display one (1) permanent accessory building sign on each side of the principal building or buildings in which the complex is located, not to exceed a sign area of up to ten (10) percent of the facade area (see Section 8.06.00, Measurement Determinations) of each building side or two hundred (200) square feet, whichever is smaller.
3. Each occupant of a multiple occupancy complex may display three (3) permanent accessory building signs on any exterior portion of the complex that is part of the occupant's unit (not including a common or jointly owned area), not to exceed a total combined sign area of fifteen (15) percent of the facade area (see Section 8.06.00, Measurement Determinations) of such exterior portion or two hundred (200) square feet, whichever is smaller.
4. Each occupant not located in a multiple occupancy complex may display three (3) permanent accessory building signs on each side of the principal building in which the occupancy is located, not to exceed a total combined sign area for each building side of twenty (20) percent of the facade area (see Section 8.06.00, Measurement Determinations) of the building side or two hundred (200) square feet, whichever is smaller.

### *C. Multiple Frontages*

If a building has frontage on two (2) or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permissible sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permissible sign area on one frontage.

## **8.03.03 Directional Signs**

Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.

#### **8.03.04 Signs at Entrances to Residential Developments,**

##### **A. *Generally***

A permanent accessory sign may be displayed at the entrance to residential developments.

##### **B. *Restrictions***

1. One (1) sign is permitted at each entrance into the development from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed forty (40) square feet in size, and may be illuminated in a steady light only. Signs larger than this dimension may be approved by the Board of County Commissioners subject to the provision of an architectural plan, blueprint and landscaping plan which indicates conformity to the design of the development.
2. When considering the placement of such signs, the County shall consider the location of public utilities, sidewalks and future street widenings.

#### **8.03.05 Utility Signs**

Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed one half (1/2) square foot.

#### **8.04.00 PERMISSIBLE TEMPORARY SIGNS (RESERVED)**

##### **8.04.01 *Generally***

The County recognizes that, by their nature, some signs are intended from their construction to serve a temporary purpose only. Such signs shall be identified as temporary signs and shall not require a permit from the County, provided that they satisfy the restrictions imposed by this section and other relevant parts of this Code.

##### **8.04.02 *Removal of Illegal Temporary Signs***

Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal.

##### **8.04.03 *Permissible Temporary Signs***



Temporary signs that serve the following functions are allowed, subject to the provisions of this Code:

- A. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located.
- B. To indicate the grand opening or promotional sale for a business or other activity. Such messages may be displayed for a period not exceeding fourteen (14) days and such display shall be limited to no more than four (4) times per year.
- C. To identify construction in progress. Such message shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this section, but construction is not initiated within sixty (60) days after the message is displayed, or if construction is discontinued for a period of more than sixty (60) days, the message shall be removed, pending the initiation or continuation of construction activities.
- D. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than sixty (60) days or until installation of permanent signs, whichever shall occur first.
- E. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message shall be removed within five (5) days after the special event.

#### **8.04.04 Permissible Location of Temporary Signs**

##### **A. One-Family and Two-Family Residences**

A parcel on which is located a single one-family or two-family residence may display not more than two temporary signs with an aggregate sign area of not more than twelve (12) square feet, excluding real estate sign riders. No individual sign shall exceed six (6) square feet, excluding real estate riders, nor exceed eight (8) feet in height.

##### **B. Multi-Family Residences**

A parcel on which is located a multi-family residence may display not more than four (4) temporary signs with an aggregate sign area of not more than twenty-four (24) square feet. No individual sign shall exceed six (6) square feet, excluding real estate riders, nor exceed eight (8) feet in height.

##### **C. On All Other Parcels**

All other parcels may display one (1) square foot of temporary signage per ten (10) feet of frontage up to a maximum of one hundred (100) square feet, or thirty-two square feet, whichever is greater. No

individual sign shall exceed thirty-two (32) square feet nor exceed ten (10) feet in height. Signs located on the same parcel erected pursuant to this section must be spaced at least one hundred (100) feet apart.

## **8.05.00 PERMANENT OUTDOOR ADVERTISING SIGNS**

### **8.05.01 Size of Permanent Outdoor Advertising Signs**

The maximum area of a permanent outdoor advertising sign face shall be 380.88 square feet which shall include a sign face 10 feet 7 inches in height and 36 feet in width. Embellishments shall be a maximum of 5 feet above the top, 5 feet to each side and 3 feet below the bottom of the sign face; provided, however, that all embellishments shall have a minimum clearance of 10 feet from the grade of the thoroughfare to which the sign is oriented.

### **8.05.02 Location of Permanent Outdoor Advertising Signs**

Permanent outdoor advertising signs which conform with the provisions of this Section shall be permitted in the unincorporated areas of Holmes County and the incorporated areas of Esto, Noma, Ponce de Leon and Westville. Property facing thoroughfares shall be subject to the following:

- A. Each side of a thoroughfare shall be considered separately.
- B. V-type or back-to-back permanent outdoor advertising signs shall be considered one sign.
- C. No outdoor advertising signs shall be located closer than 100 feet to any residential dwelling unit.
- D. No permanent outdoor advertising sign shall be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of, an official traffic sign, signal or device, or obstruct or physically interfere with a driver's view of approaching or intersecting traffic.
- E. No permanent outdoor advertising sign, or any part thereof, shall be located less than fifteen feet (15') from the nearest edge of the road right-of-way.
- H. No permanent outdoor advertising sign shall consist of two or more sign faces stacked on top of each other or placed side by side to each other.
- I. Permanent outdoor advertising signs shall not be established in any location having principal frontage on any street within one hundred (100) feet of any property which is used for public parks, public schools, church, courthouse, city hall or public museum having principal frontage on the same street.
- J. No permanent outdoor advertising sign or part thereof shall be located on any property without the written consent of the owner, holder, lessee, agent or trustee.

### **8.05.03 Height of Permanent Outdoor Advertising Signs**

There shall be a minimum clearance of ten (10) feet to the bottom of a permanent outdoor advertising sign face and a maximum height of 65 feet to the top of a permanent outdoor advertising sign face, from grade of the thoroughfare to which the sign is oriented. Any embellishments at the bottom of the sign face will be considered in determining the ten (10) foot minimum clearance.

### **8.05.04 Lighting of Permanent Outdoor Advertising Signs**

Permanent outdoor advertising signs may be illuminated, subject to the following restrictions:

- A.* Signs which are obsolete structures not meeting construction standards, out-of-date political billboards, signs advertising defunct business and signs which have been erected without a building permit having been issued therefor.
- B.* Signs which are not clean and in good repair.
- C.* Signs which are illegal under state law or regulations.
- D.* Signs that are not securely fixed on a substantial structure.
- E.* Signs which attempt or appear to attempt to regulate, warn or direct the movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.
- F.* Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- G.* Signs which are nonconforming and damaged or destroyed to an extent of more than 60% of fair market value.
- h.* Signs that prevent free ingress or egress from any doors, window or fire escape; or that are attached to a standpipe fire escape.

### **8.05.05 Construction Standards**

All permanent outdoor advertising signs shall be constructed in accordance with the County Building Code, and no permits shall be issued pursuant to the Building Code until information is provided to the County demonstrating the sign will be constructed in accordance with this Section. The County may order the removal and remove all signs constructed in contravention of this Section in the same manner and by following the procedure for removing unsafe signs as set out in the Building Code.

## **8.06.00 MEASUREMENT DETERMINATIONS**

### **8.06.01 Facade Area**

The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.

#### **8.06.02 Sign Area**

##### *A. Generally*

The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the sign face.

##### *B. Special Situations*

1. Where a sign is composed of letters or pictures attached directly to a facade, window, door or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures.
2. Where two sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (4) feet apart, the area of the sign shall be counted as the area of one (1) of the faces.
3. Where four sign faces are arranged in a square, rectangle or diamond, the area of the sign shall be the area of the two largest faces. Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme point or edges of the projected image of the sign and multiplying that area by two (2). The "projected image" is that image created by tracing the largest possible two dimensional outline of the sign.

#### **8.06.03 Number of Signs**

##### *A. Generally*

In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

##### *B. Special Situations*

1. Where two sign faces are placed back to back and are at no point more than three (3) feet apart, it shall be counted as one sign.

2. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs.

#### **8.06.04 Sign Height**

The height of a sign shall be measured as the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

### **8.07.00 DESIGN, CONSTRUCTION AND LOCATION STANDARDS**

#### **8.07.01 Generally**

All permanent signs must comply with the following design, construction and location standards.

#### **8.07.02 Compliance with Building and Electrical Codes Required**

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building code and electrical codes adopted by the County and the National Electrical Safety Code.

#### **8.07.03 Illumination Standards**

- A. Sign lighting may not be designed or located to cause confusion with traffic lights.
- B. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.
- C. Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

#### **8.07.04 Placement Standards**

##### *A. Near Street and Driveway Intersections*

Signs located within a clear visibility triangle shall conform to the requirements at Section 6.01.03 of this Code.

##### *B. In Right-of-Way*

Supports for sign or sign structures shall not be placed in or upon a public right-of-way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.

##### *C. Over Right-of-Way*

No ground sign shall project over a public right-of-way.

*D. Blocking Exits, Fire Escapes, Etc.*

No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit or standpipe.

**8.07.05 Clearance Standards**

*A. Over Pedestrian Ways*

All signs over pedestrian ways shall provide a minimum of nine (9) feet of clearance.

*B. Over Vehicular Ways*

All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

**8.07.06 Relationship to Building Features**

A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.

**8.07.07 Maximum Projection**

A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

**8.07.08 Maximum Window Coverage**

The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

**8.07.09 Format for Multiple Occupancy Complexes**

Building signs for multiple occupancy complexes constructed or remodeled after the effective date of this Code shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be maintained on file with the County. The format shall be presented in a plan or sketch, together with written specifications in sufficient detail to enable the County to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size limits contained in this Chapter) which will be permitted each occupant within the complex. The sign format shall also contain common design elements, such as placement, color, shape or style of lettering, which lend a unified appearance to the

signs of the occupants within the complex. The sign format may only be modified with the approval of the County upon submission of a revised plan and specifications detailing the revised format.

## **8.08.00 LANDMARK SIGNS**

### **8.08.01 Generally**

The recognition and preservation of landmark and historic signs promotes the cultural and general welfare of the public.

### **8.08.02 Designation of Landmark Signs**

#### *A. Initiation of Designation Process*

Designation of a landmark sign may be proposed by the property owner. The property owner shall file a petition for designation with the County Building Official. The County Building Official shall forward the petition to the Planning Board who shall hold a public hearing on the petition and shall notify the property owner by certified mail at least seven (7) days in advance of the hearing. Notice of the public hearing shall also be published in a newspaper of general circulation at least seven (7) days in advance.

#### *B. Designation Report*

Within thirty (30) days after filing of a petition of designation, the County Building Official shall prepare a written designation report on the sign and submit same to the Planning Commission for review and approval. The report shall contain a statement of the historic significance sign proposed for designation and shall include photographic documentation of the sign. The report shall be accompanied by a recommendation from the County Building Official upon the proposed designation.

#### *C. Designation Process - the Planning Commission*

At the close of the public hearing on the designation of the landmark sign, the Planning Commission shall vote to recommend in favor of the proposed designation to the Board of County Commissioners or shall vote against the proposed designation.

#### *D. Designation Process - Board of County Commissioners*

The Board of County Commissioners shall hold a public hearing on the designation and shall notify the property owner by certified mail at least ten (10) days in advance of the hearing. Notice of the public hearing shall also be published in a newspaper of general circulation at least ten (10) days in advance. At the close of the public hearing on the designation of the landmark sign, the Board of County Commissioners shall vote in favor of or against the proposed designation.

#### *E. Criteria for Designation*

The criteria to be applied by the Board of County Commissioners in the designation of a landmark sign shall be as follows:

1. The sign is significant to the history of Holmes County, including, but not limited to, the character of the County as a tourist destination or cultural center.
2. The sign is unique, notably aesthetic, or creative so as to make a significant contribution as a work of art.
3. The sign merits recognition as an important example of technology, craftsmanship, materials or design of the period in which it was constructed and it may no longer be economically feasible to produce or manufacture the sign today.
4. The sign is incorporated into the architecture of the building, so as to be essential to the integrity of the building.

#### **8.08.03 Incentives for Designation of Landmark Signs**

Signs that have been designated as landmark signs shall be exempt from the provisions of Section 9.01.03(C) concerning the deadline for removal of nonconforming signs. Provided, however, historic signs shall not be exempt from Section 9.01.03(C) pertaining to prohibited signs.

#### **8.09.00 NONCONFORMING SIGNS**

Nonconforming signs shall be subject to the provisions of Section 9.01.03(C).

#### **8.10.00 REGISTRATION AS A SPECIALTY SIGN CONTRACTOR**

All persons desiring to engage in the covered occupation as a Specialty Sign Contractor in Holmes County, Florida, shall upon payment of registration fee provided herein register with the County.



## **CHAPTER IX**

### **HARDSHIP RELIEF**

#### **9.00.00 PURPOSE**

#### **9.01.00 EXISTING NONCONFORMING DEVELOPMENT**

##### *9.01.01 DEFINED*

##### *9.01.02 CONTINUATION OF*

##### *9.01.03 TERMINATION OF*

#### **9.02.00 VARIANCES**

##### *9.02.01 GENERALLY*

##### *9.02.02 LIMITATIONS ON GRANTING VARIANCES*

##### *9.02.03 SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO REQUIREMENTS TO FLOOD DAMAGE PREVENTION REGULATIONS*

## **CHAPTER IX**

### **HARDSHIP RELIEF**

#### **9.00.00                    PURPOSE**

The purpose of this Chapter is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur. Two forms of hardship are addressed: (1) Part 9.01.00 addressed hardship that would be caused if nonconforming development were required to immediately come into compliance with this Code; and (2) Part 9.02.00 addresses the hardship that may be caused in particular cases by the imposition of the Code's development design standards.

#### **9.01.00                    EXISTING NONCONFORMING DEVELOPMENT**

##### **9.01.01                    Defined**

Nonconforming development is development that does not conform to the use regulations in Chapter II and/or the development design and improvement standards in Chapters V and VI.

##### **9.01.02                    Continuation Of**

Subject to the provisions below for terminating nonconforming development, such development may, if otherwise lawful and in existence on the date of enactment of this Code, remain in use in its nonconforming state.

##### **9.01.03                    Termination of Nonconforming Development**

###### *A.        Generally*

Nonconforming development must be brought into full compliance with the use regulations in Chapter II of this Code, and the development design and improvement standards in Chapters V and VI of this Code, in conjunction with the following activities:

1.        The gross floor area of the development is expanded by more than ten (10) percent or more than four thousand (4000) square feet, whichever is less. Repeated expansions of a development, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached.
2.        If such nonconforming building use is removed or discontinued for a continuous period of one year, any future use of the building shall be in conformity with the provisions of this Code.

3. Any building which is rebuilt or structurally altered, except as provided under A.1. above, shall conform to all applicable provisions of this Code unless such rebuilding or alteration is required as the result of a disaster (fire, flood, wind damage, etc.).
4. Vehicles parked on the right-of-way of state, county or local roads within the city limits of the Town of Esto must have a valid license tag and be in running order or must be removed from the right-of-way within thirty (30) days of adoption of this code. Removal of such vehicles shall be at the expense of the owner of the vehicle.

*B. Nonconformity with the Parking and Loading Requirements of this Code*

In addition to the activities listed in Section 9.01.03(A), full compliance with the requirements for parking and loading spaces (Sections 5.04.02 and 5.04.06) shall be required where a County development permit for the expansion or modification of a structure is issued.

*C. Nonconforming Signs*

1. Defined

Any sign within the County or its municipalities on the effective date of this Code which is prohibited by, or does not conform to the requirements of, this Code; except that signs that are within ten (10) percent of the height and size limitations of this Code, and that in all other respects conform to the requirements of this Code, shall be deemed to be in conformity with this Code.

2. Amortization of Nonconforming Signs

a. All nonconforming signs with a replacement cost of less than \$100.00, and all signs prohibited by Section 9.02.00 (Prohibited Signs) of this Code, shall be removed or made to conform within one (1) year of the enactment of this Code.

b. All other nonconforming signs shall be removed or altered to be conforming within five (5) years of the effective date of this Code, unless the sign is removed or an earlier removal is required because the sign is destroyed or damaged and requires substantial repair (greater than 50% of the value of the sign).

*D. Nonconforming Vehicle Use Areas*

1. A vehicle use area is any portion of a development site used for circulation, parking and/or display of motorized vehicles, except junk or automobile salvage yards.

2. When the square footage of a vehicle use area is increased, compliance with this Code is required as follows:

a. Expansion by Ten (10) Percent or Less

When a vehicle use area is expanded by ten (10) percent or less, only the expansion area must be brought into compliance with this Code.

b. Expansion by more than Ten (10) Percent

When a vehicle use area is expanded by more than ten (10) percent, the entire vehicle use area shall be brought into compliance with this Code.

c. Repeated Expansions

Repeated expansions of a vehicle use area over a period of time commencing with the effective date of this Code shall be combined in determining whether the above threshold has been reached.

## **9.02.00 VARIANCES**

### **9.02.01 Generally**

*A. Granted by the Planning Commission*

The Planning Commission may grant a variance from the strict application of any provision of this Code, except provisions in Chapters II (Land Use) and IV (Concurrency), if the following procedures are followed and findings made.

*B. Variances to be Considered as Part of Development Review*

Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for development review. A development activity that might otherwise be approved by the County must be approved by the Planning Commission if a variance is sought. The variance shall be granted or denied in conjunction with, but prior to, any action to be taken on the application for development review.

### **9.02.02 Limitations on Granting Variances**

*A. Initial Determination*

The Planning Commission shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are unique to the specific property involved. If so, the Planning Commission shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Planning Commission shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

*B. Required Findings*

The Planning Commission shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

1. There are practical or economic difficulties in carrying out the strict letter of the regulation.
2. The variance request is not based exclusively upon a desire to reduce the cost of developing a site.
3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

*C. Imposition of Conditions*

In granting a development approval involving a variance, the Planning Commission may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

**9.02.03                      Special Provisions Where Variance is Sought to Requirements to Flood Damage Prevention Regulations**

*A. Additional Finding*

In addition to the findings required above, the Planning Commission shall find that the requested variance will not result in an increase in the base flood elevation, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances.

*B. Considerations*

Before granting a variance, the Planning Commission shall consider:

1. The danger that materials may be swept from the site onto other lands.
2. The danger to life and property from flooding or erosion.
3. The potential of the proposed facility and its contents to cause flood damage and the effect of that damage on the owner and public.
4. The importance of the services provided by the proposed facility to the community, and whether it is a functionally dependent facility.
5. The availability of alternative locations, not subject to flooding or erosion, for the proposed use.
6. The compatibility of the proposed use with existing and anticipated neighboring development.
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
8. Safe vehicular access to the property in times of flood.
9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, at the site.
10. The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities.

*C. Special Restriction for Regulatory Floodways*

Variances that would increase flood levels during the base flood shall not be issued within any regulatory floodway.

*D. Flowage Easements*

No variance that would increase flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a variance be granted that would increase the elevation of the Base Flood more than one foot.

*E. Notification*

All variances to the flood damage prevention regulations shall:

1. Specify the difference between the flood protection elevation and the elevation to which the structure is to be built.
2. State that the variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
3. State that construction below the Flood Protection Level increases risk to life and property.

*F. Record of Variances to be Maintained*

The County shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The County shall report all variances to the Federal Emergency Management Agency upon request.

*G. Historic Properties*

Notwithstanding the foregoing requirements, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on, or classified as contributing to a district or site listed on, the National Register of Historic Places or the Florida Master Site File. The special variance shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation or restoration will cause the structure to lose its historical integrity as determined by conformance with the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

## **CHAPTER X**

### **ADMINISTRATION AND ENFORCEMENT**

#### **10.00.00            GENERALLY**

*10.00.01            PURPOSE*

*10.00.02            WITHDRAWAL OF APPLICATIONS*

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

*10.01.01            GENERALLY*

*10.01.02            PREREQUISITES TO ISSUANCE OF DEVELOPMENT PERMIT*

*10.01.03            EXEMPTIONS TO REQUIREMENT OF A FINAL DEVELOPMENT ORDER*

*10.01.04            POST-PERMIT CHANGES*

#### **10.02.00            PROCEDURE FOR REVIEW OF SITE DEVELOPMENT PLANS**

*10.02.01            PRE-APPLICATION CONFERENCE*

*10.02.02            DESIGNATION OF PLANS AS MAJOR OR MINOR DEVELOPMENTS*

*10.02.03            APPLICATION AND SUBMITTAL REQUIREMENTS*

*10.02.04            REVIEW OF MAJOR DEVELOPMENTS*

*10.02.05            REVIEW OF MINOR DEVELOPMENTS*

*10.02.06            INTERGOVERNMENTAL REVIEW*

*10.02.07            PROJECT PHASING*

*10.02.08            NOTICE REQUIREMENTS*

*10.02.09            PUBLIC HEARINGS*

*10.02.10            REQUIRED CONTENT OF DEVELOPMENT ORDER*



10.02.11	<i>GUARANTEES AND SURETIES</i>
<b>10.03.00</b>	<b>ADDITIONAL REQUIREMENTS FOR SUBDIVISIONS</b>
10.03.01	<i>GENERALLY</i>
10.03.02	<i>FILING WITH THE COUNTY</i>
10.03.03	<i>REVIEW BY THE PLANNING COMMISSION</i>
10.03.04	<i>REVIEW BY THE BOARD OF COUNTY COMMISSIONERS</i>
<b>10.04.00</b>	<b>DEDICATION AND OTHER DISPOSITION OF RIGHT-OF-WAY AND COMMON LANDS</b>
10.04.01	<i>ACCEPTANCE BY BOARD OF COUNTY COMMISSIONERS</i>
<b>10.05.00</b>	<b>MINOR REPLAT</b>
10.05.01	<i>REVIEW BY THE PLANNING COMMISSION</i>
10.05.02	<i>STANDARDS AND RESTRICTIONS</i>
<b>10.06.00</b>	<b>RIGHT-OF-WAY ABANDONMENT AND PLAT VACATION</b>
10.06.01	<i>AUTHORITY AND APPLICABILITY</i>
10.06.02	<i>PETITIONERS</i>
10.06.03	<i>ACCESS TO WATER</i>
10.06.04	<i>NOTICE OF INTENT TO FILE A VACATE A PLAT</i>
10.06.05	<i>PETITION APPLICATION PROCEDURES</i>
10.06.06	<i>REVIEW OF PETITION</i>
10.06.07	<i>PUBLIC HEARING OF PETITIONS FOR ABANDONMENT OF COUNTY RIGHT-OF-WAY AND PUBLIC EASEMENTS FOR DRAINAGE OF COUNTY RIGHTS-OF-WAY</i>
10.06.08	<i>RECORDATION OF RESOLUTION</i>
10.06.09	<i>EFFECT OF RECORDING RESOLUTION OF ABANDONMENT</i>

<b>10.07.00</b>	<b>DEVELOPMENT PERMITS</b>
<i>10.07.01</i>	<i>APPLICATION</i>
<i>10.07.02</i>	<i>BUILDING, SITE CLEARING AND SIGN PERMITS</i>
<i>10.07.03</i>	<i>DRIVEWAY PERMITS</i>
<i>10.07.04</i>	<i>TEMPORARY USE PERMITS</i>
<i>10.07.05</i>	<i>RIGHT-OF-WAY PERMITS</i>
<i>10.07.06</i>	<i>TREE REMOVAL PERMITS</i>
<b>10.08.00</b>	<b>EXEMPTIONS AND VESTED RIGHTS</b>
<i>10.08.01</i>	<i>TYPES OF VESTED RIGHTS</i>
<i>10.08.02</i>	<i>VESTED RIGHTS RESIDENTIAL USE PERMIT</i>
<i>10.08.03</i>	<i>VESTED RIGHTS SPECIAL USE PERMIT</i>
<i>10.08.04</i>	<i>LIMITATIONS</i>
<i>10.08.05</i>	<i>SUBSTANTIAL DEVIATIONS</i>
<i>10.08.06</i>	<i>LEGAL STATUS OF VESTED RIGHTS</i>
<b>10.09.00</b>	<b>COMPREHENSIVE PLAN AMENDMENTS</b>
<i>10.09.01</i>	<i>STATE LAW CONTROLLING</i>
<i>10.09.02</i>	<i>APPLICATION</i>
<i>10.09.03</i>	<i>STANDARDS FOR REVIEW</i>
<i>10.09.04</i>	<i>REVIEW BY THE PLANNING COMMISSION</i>
<i>10.09.05</i>	<i>ACTION BY PLANNING COMMISSION</i>
<i>10.09.06</i>	<i>ACTION BY BOARD OF COUNTY COMMISSIONERS</i>
<i>10.09.07</i>	<i>TIME LIMITATION</i>

<b>10.10.00</b>	<b>LAND DEVELOPMENT CODE AMENDMENTS</b>
<i>10.10.01</i>	<i>STATE LAW CONTROLLING</i>
<i>10.10.02</i>	<i>APPLICATION</i>
<i>10.10.03</i>	<i>STANDARDS FOR REVIEW</i>
<i>10.10.04</i>	<i>REVIEW BY THE PLANNING COMMISSION</i>
<i>10.10.05</i>	<i>ACTION BY PLANNING COMMISSION</i>
<i>10.10.06</i>	<i>ACTION BY BOARD OF COUNTY COMMISSIONERS</i>
<i>10.10.07</i>	<i>TIME LIMITATIONS</i>
<b>10.11.00</b>	<b>APPEALS</b>
<i>10.11.01</i>	<i>APPEALS FROM DECISIONS OF HOLMES COUNTY</i>
<i>10.11.02</i>	<i>APPEALS FROM DECISIONS OF THE PLANNING COMMISSION</i>
<i>10.11.03</i>	<i>RECORD</i>
<i>10.11.04</i>	<i>EFFECT OF FILING AN APPEAL</i>
<i>10.11.05</i>	<i>PROCEDURE</i>
<i>10.11.06</i>	<i>APPEALS TO CIRCUIT COURT</i>
<b>10.12.00</b>	<b>FEES</b>
<b>10.13.00</b>	<b>ENFORCEMENT OF DEVELOPMENT ORDERS AND PERMITS</b>
<i>10.13.01</i>	<i>MAJOR AND MINOR DEVIATIONS</i>
<i>10.13.02</i>	<i>ON-GOING INSPECTIONS</i>
<i>10.13.03</i>	<i>APPLICATION FOR CERTIFICATES OF OCCUPANCY</i>
<b>10.14.00</b>	<b>CODES ENFORCEMENT</b>

<i>10.14.01</i>	<i>GENERALLY</i>
<i>10.14.02</i>	<i>ENFORCEMENT PROCEDURES</i>
<b>10.15.00</b>	<b>OTHER PENALTIES AND REMEDIES</b>

## **CHAPTER X**

### **ADMINISTRATION AND ENFORCEMENT**

#### **10.00.00                    GENERALLY**

##### **10.00.01                    Purpose**

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

##### **10.00.02                    Withdrawal of Applications**

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

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

##### **10.01.01                    Generally**

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

##### **10.01.02                    Prerequisites to Issuance of Development Permit**

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

##### **10.01.03                    Exceptions to Requirement of a Final Development Order**

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

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

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

#### **10.01.04 Post-Permit Changes**

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

### **10.02.00 PROCEDURE FOR REVIEW OF SITE DEVELOPMENT PLANS**

#### **10.02.01 Pre-Application Conference**

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

#### **10.02.02 Designation of Plans as Major or Minor Developments**

*A. Generally*

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

*B. Minor Development*

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

1. Any division of land into more than two (2) parcels but less than twenty-five (25) parcels.
2. Any multi-family residential development of less than ten (10) units, that does not involve platting, except for the construction of a single two-, three- or four family building.
3. Any non-residential use, including additions to existing structures greater than ten thousand (10,000) square feet, but less than twenty-five thousand (25,000) square feet, excluding those minor deviations within the limits described in Section 10.13.01.

*C. Major Development*

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

1. Any division of land into twenty-five (25) or more parcels.
2. Any multi-family residential development of ten (10) or more dwelling units.
3. More than twenty-five thousand (25,000) square feet of non-residential floor space.
4. Any development that, in the estimation of the County, should be more thoroughly considered and reviewed because of its location or potential for impact on public facilities, natural resources and public safety.

**10.02.03 Application and Submittal Requirements**

*A. Application*

Applications for development review shall be available at the County. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized.

Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

*B. Submittal Requirements Based on Development Plan Designation*

A tiered approach shall be used in determining the information which must be submitted at the time of application. The greater the intensity of a project, based upon its designation as either minor or major, pursuant to the criteria in Section 10.02.02, the greater the amount of information required. The following list describes the applicable submittal requirements for specific development plan:

1. General Plan Requirements.

These shall be mandatory for all development plans.

2. Minor Review Requirements.

These shall be mandatory for major and minor development plans.

3. Major Review Requirements.

These shall be mandatory only for major development plans.

4. Optional Review Requirements.

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

5. Environmentally Sensitive Area Requirements.

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

*C. General Plan Requirements*

1. All plans shall be drawn to a scale of one (1) inch equals one hundred (100) feet, unless the City determines that a different scale is sufficient or necessary for proper review of the proposal.

2. The plans shall be twenty-four (24) inches by thirty-six (36) inches in size. A three-quarter (3/4) inch margin shall be provided on all sides **except** for the left binding side where a two (2) inch margin shall be provided unless the County determines that a different size is sufficient or necessary for proper review of the proposal.



3. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
4. The front cover sheet of each plan shall include:
  - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, municipal boundaries and/or other pertinent orientation information.
  - b. A complete legal description of the property.
  - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
  - d. Name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).
  - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
  - f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
  - g. The area of the property shown in square feet and acres.
5. Unless a format is specifically called for below, the information required may be presented textually, graphically or on a map, plan, aerial photograph or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.
6. The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density) and also Floor Area Ratio (FAR) calculations shall be given.
7. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the Final Development Plan for recordation.
8. Documentation pursuant to Section 3.03.02 related to the review for concurrency.

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

*D. Minor Review Requirements*

1. A map of vegetative cover indicating the location and identity by common or scientific name of all protected trees. Groups of protected trees may be designated as "clusters" with the estimated total number of trees noted. This information shall be summarized in tabular form on the plan.
2. Location, names and widths of existing and proposed streets, highways, easements, buildings lines, alleys, parks and other public spaces and similar facts regarding adjacent property.
3. Proposed Development Activities and Design
  - a. Generally
    - (1) Area and percentage of total site area to be covered by an impervious surface.
    - (2) Grading plans specifically including perimeter grading.
    - (3) Construction phase lines.
  - b. Buildings and Other Structures
    - (1) Building plan showing the location, dimensions, gross floor area and proposed use of buildings.
    - (2) Architectural or engineering elevations of all sides of all buildings larger than a one or two-family dwelling unit.
    - (3) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
    - (4) Minimum flood elevations of buildings within any 100-year floodplain.
  - c. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
  - d. Streets, parking and loading

- (1) The layout of all streets, bike paths and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.
- (2) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications) and projected on-site traffic flow.
- (3) The location of all exterior lighting.
- (4) The location and specifications of any proposed garbage dumpsters.
- (5) Cross sections and specifications of all proposed pavement in conformance with Section 5.04.04.
- (6) Typical and special roadway and drainage sections and summary of quantities.

e. Tree removal and protection

- (1) All protected trees to be removed and a statement of why they are to be removed.
- (2) Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.
- (3) A statement of the measures to be taken to protect the trees to be retained.
- (4) A statement of tree relocations and replacements proposed.

f. Landscaping

- (1) Location and dimensions of proposed buffer zones and landscaped areas.
- (2) Description of plant materials existing and to be planted in buffer zones and landscaped areas.

4. Signs

- a. Three blueprints or ink drawings of the plans and specifications of regulated signs and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the County. The plans shall show all pertinent structural details, wind pressure requirements, and display materials

in accordance with the requirements of this Code and the building and electrical codes adopted by the County. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.

- b. For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
    - (1) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.
    - (2) All protected trees that will be damaged or removed for the construction and display of the sign.
  - c. For regulated building signs, a plan, sketch, blueprint blue line print or similar presentation drawn to scale which indicates clearly:
    - (1) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.
    - (2) The number, size, type and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.
    - (3) A building elevation or other documentation indicating the building dimensions.
- 5. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations and the like.
  - 6. Location of on-site wells and wells within one-thousand (1,000) feet of any property line, exceeding one-hundred thousand (100,000) gallons per day.
  - 7. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.
  - 8. Number, height and type of residential units.
  - 9. Floor area, height and types of office, commercial, industrial and other proposed uses.

*E. Major Review Requirements*

1. Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as any additional unit or section by the same developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type including the words "section," "unit," "replat," "amended" and the like. The name of the development shall be indicated on every page.
2. A Master Plan is required for a Major Development which is to be developed in phases. A Master Plan shall provide the following information for the entire development:
  - a. A development plan for the first phase or phases for which approval is sought.
  - b. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.
  - c. Total land area and approximate location and amount of open space included in each residential, office, commercial and industrial area.
  - d. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
  - e. Approximate location and acreage of any proposed public uses such as parks, school sites and similar public or semi-public uses.
  - f. A vicinity map of the area within three hundred (300) feet surrounding the site showing:
    - (1) Land use designations and boundaries.
    - (2) Traffic circulation systems.
    - (3) Major public facilities.
    - (4) Municipal boundary lines.
  - g. Base flood elevations for all lots.

*F. Optional Review Requirements*

1. A soils map of the site (existing U.S. Soil Conservation Service maps are acceptable).

2. A topographic map of the site clearly showing the location, identification and elevation of bench marks, including at least one bench mark for each major water control structure.
3. A detailed overall project area map showing existing hydrography and runoff patterns and the size, location, topography and land use of any off-site areas that drain onto, through or from the project area.
4. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonably high water-table elevations and attendant drainage areas for each.
5. A map showing the locations of any soil borings or percolation tests.
6. A depiction of the site and all land within four hundred (400) feet of any property line of the site, showing the locations of environmentally sensitive areas.
7. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.
8. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year flood plain for all parts of the proposed development.
9. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through or around the project.
10. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of the development at which they will be put into place or used, and maintenance provisions.
11. A description of the proposed stormwater management system, including:
  - a. Channel, direction, flow rate and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.
  - b. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans and predictions of surface water quality changes.
  - c. Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
  - d. Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths and water-surface elevations or hydrographs.

- e. Linkages with existing or planned stormwater management systems.
  - f. On- and off-site rights-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the Stormwater Management System.
  - g. The entity or agency responsible for the operation and maintenance of the Stormwater Management System.
12. The location of off-site water resource facilities such as works, surface water management systems, wells or well fields that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.
  13. Runoff calculations.
  14. Amount of each area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.

*G. Environmentally Sensitive Area Requirements*

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

**10.02.04 Review of Major Developments**

*A. Procedure*

1. The applicant shall submit the major development plan and supporting documentation, pursuant to Section 10.02.03, to the County.
2. After receipt of the above, the County shall have thirty (30) days to:

- a. Determine that the application is complete and proceed with the review; or
  - b. Determine that the application is incomplete and inform the applicant by certified mail, return receipt requested, of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within forty-five (45) days of receipt of the letter of incompleteness, to proceed with the review.
3. The County shall then route the application to members of the Planning Commission and any applicable agencies within five (5) days (NOTE: All development applications for development within the corporate limits of the Towns of Esto, Noma, Ponce de Leon or Westville must be forwarded to said towns for review and comment) and review the major development plan for compliance with this Code and other applicable rules and regulations within thirty (30) days.
4. At the next regular meeting after the completion of the review, the Chairman of the Planning Commission or his designee shall convene a meeting of the Planning Commission to review the application. The results of the Planning Commission meeting shall be transmitted to the applicant, in writing, certified receipt requested. The applicant shall have forty-five (45) days from the receipt of the Planning Commission comments to respond to them.
5. Within forty-five (45) days of the receipt of any revisions to the application pursuant to the Planning Commission's comments, the Commission shall have an additional thirty (30) days to review the revised application and issue a recommendation approving, approving with conditions or denying the application based upon the requirements of this Code.
6. The Planning Commission shall consider the application at a regularly scheduled public hearing which has been noticed pursuant to the requirements of Section **10.02.09**. In reviewing the application, the Planning Commission shall consider the recommendation of the County Building Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Planning Commission shall approve, approve with conditions or deny the application. The decision on the application shall be forwarded to the Board of County Commissioners for final action.
7. The Board of County Commissioners shall consider the application at a regularly scheduled public hearing which has been noticed pursuant to the requirements in Section **10.02.08**. In reviewing the application, the Board shall consider the recommendations of the Planning Commission and shall determine whether the proposed development specified in the application meets the provisions of this Code. The County Commissioners shall approve, approve with conditions or deny the application.
8. Notification of the Board of County Commissioners decision shall be mailed to the applicant and filed with the County.



*B. Expiration*

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

**10.02.05                      Review of Minor Developments**

*A. Procedure*

1. The applicant shall submit the minor development plan and supporting documentation pursuant to Section 10.02.03 to the County.
2. After receipt of the above, the County shall have thirty (30) working days to:
  - a. Determine that the application is complete and proceed with the review; or
  - b. Determine that the application is incomplete and inform the applicant by certified mail, return receipt requested, of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within forty-five (45) days of receipt of the letter of incompleteness, to proceed with the review.
3. The County shall then route the application to the Planning Commission and any outside review agencies within five (5) days (NOTE: All development applications for development within the corporate limits of the Towns of Esto, Noma, Ponce de Leon and Westville must be forwarded to said towns for review and comment), and review the major development plan for compliance with this Code within thirty (30) days.
4. At the next regular meeting after the completion of the review, the Chairman of the Planning Commission or his designee shall convene a meeting of the Planning Commission to review the application. The results of the Planning Council meeting shall be transmitted to the applicant in writing, certified receipt requested. The applicant shall have forty-five (45) days from the receipt of the Planning Council comments to respond to them.
5. Within three (3) days of the completion of the review, the Planning Commission shall issue a finding approving, approving with conditions or denying the application based upon the comments of the County and the requirements of this Code.
6. Notification of the Planning Commission's decision shall be mailed to the applicant and filed with the County.

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

*B. Expiration*

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

**10.02.06 Intergovernmental Review**

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

**10.02.07 Project Phasing**

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

**10.02.08 Notice Requirements**

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

*A. Content of Notice*

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

*B. Publication*

Publication of the notice shall be as follows:

1. Generally

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

2. Amendments to the Holmes County Comprehensive Plan

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

3. Amendments to the Text of this Code

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

- a. The Board of County Commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held after 5 PM on a weekday, and the first shall be held approximately seven (7) days after the day that the first advertisement is published. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing. The date, time and place at which the second public hearing will be held shall be announced at the first public hearing.

*C. Public Inspection*

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

*D. Mail*

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

*E. Posting of Notice*

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

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

**10.02.09 Public Hearings**

*A. Setting the Hearing*

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

*B. Examination and Copying of Application and Other Documents*

Any time after the provision of notice, as required by this Code in Section 10.02.08, any person may examine the application or petition in question, and the material submitted in support or opposition to the application or petition in Holmes County during regular business hours. Any person shall be entitled to obtain copies of the application or petition and other materials upon reasonable request and payment of a fee to cover the actual costs of providing such copies.

*C. Conduct of the Hearing*

Public Hearings shall be conducted in the following manner:

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

*D. Record of the Hearing*

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

*E. Action by Decision-Making Body*

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

*F. Notification*

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

**10.02.10 Required Contents of Development Orders**

*A. Preliminary Development Order*

A preliminary development order shall contain the following:

1. An approved preliminary development order (may be subject to conditions and modifications) with findings and conclusions.
2. A listing of conditions that must be met, and modifications to the preliminary development plan that must be made, in order for a final development order to be issued. The modifications shall

be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly.

3. A listing of federal, state and regional permits that must be obtained in order for a final development order to be issued.
4. With regard to the concurrency management requirements in Chapter III:
  1. The determination of concurrency.
  - b. The time period for which the preliminary order is valid.

**B. *Final Development Order***

A final development order shall contain the following:

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

**10.02.11 Guarantees and Sureties**

**A. *Applicability***

1. The provisions of this Section apply to all proposed developments in Holmes County and its municipalities, including private road subdivisions.
2. Nothing in this Section shall be construed as relieving a developer of any requirement relating to concurrency in Chapter III of this Code.

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

*B. Improvements Agreements Required*

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

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

*C. Amount and Type of Security*

1. Security requirements may be met but are not limited to the following:
  - a. Cashiers check
  - b. Certified check
  - c. Developer/Lender/City Agreement
  - d. Interest Bearing Certificate of Deposit
  - e. Irrevocable Letters of Credit
  - f. Surety Bond
2. The amount of security shall be one hundred and ten (110) percent of the total construction costs for the required developer-installed improvements. The amount of security may be reduced by the County Commissioners commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than one hundred and ten (110) percent of the cost of completing the remaining required improvements.
3. Standard forms are available from the County Clerk's office and approved by the Board of County Commissioners.

*D. Completion of Improvements*

1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the County. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one (1) copy of all test results.
2. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirement in Section **10.02.11(C.)(2.)** above.

*E. Maintenance of Improvements*

1. A maintenance agreement and security shall be provided to assure the County that all required improvements shall be maintained by the developer according to the following requirements:
  - a. The period of maintenance shall be a minimum of three (3) years.
  - b. The maintenance period shall begin with the acceptance by the County of the construction of the improvements.



- c. The security shall be in the amount of fifteen (15) percent of the construction cost of the improvements.
  - d. The original agreement shall be maintained by the County.
- 2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
  - a. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, F.S., common facilities and property shall be conveyed to the condominium's association pursuant to that law.
  - b. When no condominium is so organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that association.
  - c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the County Attorney.
- 3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the County shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the County.

## **10.03.00                    ADDITIONAL REQUIREMENTS FOR SUBDIVISIONS**

### **10.03.01                    Generally**

Where proposed minor or major development includes the subdivision of land into two or more parcels, any one of which is 2.5 acres or less, the final approval of the development plan by the County shall be made contingent upon approval by the Board of County Commissioners of a plat conforming to the development plan and the provisions of this Section.

### **10.03.02                    Filing with the Planning Commission**

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

### **10.03.03                    Review by the Planning Commission**

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

#### **10.03.04                      Review by Board of County Commissioners**

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

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

##### **10.04.01                      Acceptance by Planning Commission**

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

#### **10.05.00                      MINOR REPLATS AND LOT SPLITS**

##### **10.05.01                      Review by the Board of County Commissioners**

###### *A.            Generally*

The Board of County Commissioners may approve a minor replat that conforms to the requirements of this Section. Division of land among family members shall be excluded from the submittal and recordation requirements of this Section.

###### *B.            Submittals*

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

1.            An application form provided by the County;

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

*C. Review Procedure*

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

*D. Recordation*

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

**10.05.02 Standards and Restrictions**

*A. Standards*

All minor replats shall conform to the following standards:

1. Each proposed lot must conform to the requirements of this Code.
2. Each lot shall abut a public or private street (except as hereinafter provided) for the required minimum lot dimensions for the land use district where the lots are located.
3. If any lot abuts a street right-of-way that does not conform to the design specification provided in, or adopted by reference in, this Code, the owner may be required to dedicate one-half (1/2) the required right-of-way width necessary to meet the minimum design standards.

*B. Restriction*

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

## **10.06.00                      RIGHT-OF-WAY ABANDONMENT AND PLAT VACATION**

### **10.06.01                      Authority and Applicability**

A.        Any dedication or conveyance of real property for the purpose of streets, rights-of-way, access, ingress and egress, utilities and drainage which has been made on or by a plat, easement, deed, or other instrument of any kind which instruments have been approved by the Board of County Commissioners for filing of record in the Official Records of Holmes County or which instruments conveys any interest in real property to the County is hereby deemed to be under the jurisdiction and control of the Board of County Commissioners for the purposes of the vacation, annulment, and/or abandonment of plats, or portions thereof, rights-of-way and easements for utility and drainage purposes.

B.        The provisions of this Section shall apply to all plats, rights-of-way and easements under the jurisdiction and control of the County and its municipalities.

C.        The procedures set forth in this Section shall apply to applications pursuant to Section 177.101(1) and (2), F.S., and to all applications for vacating plats, or any portions thereof, including public easements, pursuant to Section 177.101(3), F.S. Any petition to vacate a plat, or portion thereof, which plat, or portion thereof, contains private rights-of-way shall not require a public hearing; provided, however, that a public hearing shall be required if the petition site includes a County or municipal right-of-way or public easement for drainage purposes which services a County or municipal right-of-way.

### **10.06.02                      Petitioners**

#### **A.        *Petitioners for Abandonment of Plats***

Any person, government entity or business entity desiring to abandon a plat, or any portion thereof, including public easements, shall be required to make application to the County pursuant to Section 177.101, F.S., and the provisions of this Section. The application shall be on a petition form prescribed by the County and the information contained therein shall be verified by the petitioner under oath. Unless initiated by the County, the petition shall be signed by all owners of any portion of the petition site.

#### **B.        *Petitions for Abandonment of Rights-of-Way***

Any person, governmental entity or business entity desiring to abandon the public's interest in and to any right-of-way shall be required to make application to the County pursuant to this Section. The

application shall be on the petition form prescribed by the County the information contained therein shall be verified by the petitioner under oath. Unless initiated by the County, any petition for abandonment of rights-of-way shall be signed by all owners of abutting property.

*C. Application Fee*

The application fee shall be determined in accordance with Section **10.12.00**.

**10.06.03 Access to Water**

No right-of-way, road, street or public accessway giving access to any publicly accessible waters in the County, shall be closed, vacated or abandoned except in those instances wherein the petitioner(s) offers to trade or give to the County comparable land or lands for a right-of-way, road, street or public accessway to give access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the discretion of the Board of County Commissioners.

**10.06.04 Notice of Intent to File Petition to Vacate a Plat**

Immediately prior to filing the petition to vacate a plat with the County, the petitioner shall cause to be published a notice of intent in a newspaper of general circulation in the County once weekly for two (2) consecutive weeks. Such notice of intent shall state the intent of the petitioner to file a petition pursuant to this Section and in Chapter 177, F.S.

**10.06.05 Petition Application Procedures**

In addition to any other information, the petition shall contain the following:

*A. Legal Description of Petition Site*

A complete and accurate legal description of the petition site.

*B. Type of Petition*

A statement identifying the type of petition, the source of the County's or public's interest, together with a reference to the recording information for the petition site. The type of petition may be for abandonment of:

1. A plat;
2. A portion of a plat;
3. A County or municipal right-of-way;

4. The public's interest in a private right-of-way; or
5. A public easement.

*C. Location Map*

A drawing measuring not less than eight (8) inches by fourteen (14) inches and not larger than eleven (11) inches by seventeen (17) inches which clearly and legibly identifies the location of the petition site in relation to the nearest public right-of-way, excluding the petition site, and all affected properties. The location map may be located on the survey in a separate block.

*D. Access to Affected Property*

The petition shall contain a statement that to the best of the petitioner's knowledge, the granting of the petition would not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

*E. Federal or State Highway Statement*

The petitioner shall certify that the petition site, or any portion thereof, is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes.

*F. Evidence of Title*

The petition shall state the source of petitioner's ownership or interest in and to the petition site, and a reference to the recording information for same. A copy of the source instrument shall be certified by the County and attached to the petition.

*G. Evidence of Taxes Paid*

The petition shall state that all state, municipal and County taxes on the petition site have been paid. The certificate(s) of the Tax Collector's Office showing payment of same (as payment is defined in Section 177.101.4, F.S.) shall be attached to the petition. If the petition site or any portion thereof is tax-exempt, the petition shall so state and a copy of the tax roll from the Tax Collector's Office which shows such exemption shall be attached to the petition.

*H. Municipal Resolution*

The petition shall state whether the petition site lies within the corporate limits of a municipality, within the unincorporated area, or both. If any portion of the petition site lies within the corporate limits of a municipality, the municipality shall first abandon its interest in the petition site by appropriate resolution, and a certified copy of the municipal resolution shall be attached to the petition.

*I. Fees*

The petition shall state whether the petition site is subject to the application fee per Section **10.12.00**, the amount of the fee, and that the fee is submitted herewith.

*J. Justification*

The petition shall detail the relevant reasons in support of the request and granting of the petition.

**10.06.06 Review of Petition**

*A. Review and Notification*

Each petition shall be reviewed by the County Administrative Assistant, and any applicable governmental agency. Upon receipt, the County Administrative Assistant shall distribute the petition to the Planning Commission and the County Commission. Within twenty (20) days of receipt of the petition, the Planning Commission and the County Commission shall submit a written report containing its findings and recommendations to the County Administrative Assistant. Upon receipt of all written reports, the County Administrative Assistant shall review the petition and reports and shall notify the petitioner in writing of any reasonable conditions to be performed prior to forwarding the petition and reports pursuant to paragraph (B) below. Within sixty (60) days of receipt of the County's notification, the petitioner shall either comply with, agree and commit in writing to the conditions, or disagree in writing to the conditions. Failure to respond to the County's notification may result in a recommendation to deny the petition by the County.

*B. Review by Board of County Commissioners*

After expiration of the sixty-day period above or sooner, if conditions are not imposed, or, if imposed, are responded to by the petitioner in the manner set forth above, the County Administrative Assistant shall forward the petition together with the written reports and recommendations of same to the County Commission for their review in accordance with this Section. The County Commission shall set the petition for public hearing in accordance with Section **10.02.09** unless the petition is not subject to a public hearing. If a public hearing is not required, upon its review, the County Commission shall adopt a resolution either approving or denying the petition. The County Commission may reject a petition if a petition covering the same lands had been considered at any time within six (6) months of the date the later petition is submitted.

**10.06.07 Public Hearing of Petitions for Abandonment of County or Municipal Rights-of-Way and Public Easements for Drainage of County or Municipal Rights-of-Way**

*A. Generally*

Pursuant to Section 336.10, F.S., a public hearing shall be held for any petition for abandonment which affects County or municipal right-of-way and public easements for drainage which service a County or municipal right-of-way.

*B. Time and Place of Hearing*

The Board of County Commissioners hereby exercises their authority, as set forth in Florida Statutes Section 336.09, by authorizing and directing the County Clerk to establish a definite time and place to hold the public hearing required by Section 336.10, F.S. and this Section and to publish the notice of the hearing.

*C. Publication of Notice of Public Hearing*

Advertisement of such public hearing shall be as set forth in Section **10.02.08**.

*D. Posting of Notice of Public Hearing*

The County Clerk shall notify the petitioner of the date and time of the public hearing and shall direct the petitioner to post the property with a notice of petition to vacate. The petitioner shall place the notice in a conspicuous and easily visible location, abutting a public thoroughfare when possible, on the subject property at least ten (10) days prior to the public hearing.

*E. Mailing of Notice of Public Hearing*

The County Clerk shall mail a copy of the notice of public hearing to all affected property owners as described in Section **10.02.08**.

*F. Notice of Adoption of Resolution*

If the Board of County Commissioners shall, by resolution, grant the petition, notice thereof shall be published one (1) time within thirty (3) days following the date of adoption of such resolution in a newspaper of general circulation published in the County. The proof of publication of the notice of the adoption of the resolution, and a copy of the resolution shall be recorded in the Public/Official Records.

**10.06.08 Effect of Recording Resolution of Abandonment**

*A.* For County or municipal rights-of-way, upon the recordation of the proof of publication of notice of public hearing, proof of publication of the notice of adoption of the resolution, and a copy of the resolution in the Public Records, the interest of the right-of-way so closed shall be vested in accordance with provisions of Section 336.12, F.S.

*B.* For plats, or portions thereof, recordation in the Public Records of resolutions approving abandonment of a plat or a portion thereof shall have the effect of vacating all streets and alleys in



accordance with Section 177.101(5), F.S., and shall either return the vacated property to the status of unplatted acreage or shall vacate the first plat in accordance with Section 177.101(1) or (2), F.S., as applicable.

## **10.07.00                      DEVELOPMENT PERMITS**

### **10.07.01                      Application**

Application for a development permit shall be made to the County on a form provided by the County and may be acted upon by the County without public hearing or notice. No portion of permit fees will be refunded if the permit becomes void.

### **10.07.02                      Building, Site Clearing and Sign Permits**

#### *A.        Generally*

The erection, alteration or reconstruction of any building or structure, including signs, shall not be commenced without obtaining a Building Permit from the County. No Building Permit shall be issued for development without written certification that plans submitted conform to applicable regulations. A Site Clearing Permit may only be obtained prior to the issuance of a Building Permit upon the posting of a bond equal to or greater than one hundred and ten (110) percent of the estimated cost of site restoration. The erection, alteration, reconstruction or conversion of any sign shall not be commenced without obtaining a Sign Permit where applicable.

#### *B.        Time Limitation*

1. Building and Site Clearing Permits shall expire and become null and void if work authorized by such permits is not commenced, having called for and received a satisfactory inspection, within six (6) months from the date of issuance of the permit, or if the work is not completed within one year from the date of issuance of the Building Permit, except that the time may be extended by the City, subject to compliance with the provisions of Section 3.01.03, if any of the following occur:
  - a. A time schedule has been submitted and approved by the County, predicated upon customary time for construction of similar buildings, prior to the issuance of the Building Permit, indicating completion of construction in excess of one year; or
  - b. The developer furnishes the County satisfactory evidence in writing that the delay is due to the unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in specifications; or
  - c. The delay is due to delay in delivery of construction supplies or materials; or

- d. The delay is due to fire, weather conditions, civil commotion or strike.

Increased costs of building materials or supplies or financial hardship shall not be considered by the County as cause for continuation of the Building Permit. Subject to the provisions of Section 3.01.03, Expiration of Certificate of Concurrence, the time may be extended by the County.

2. In order to continue construction once a Building or Site Clearing Permit becomes null and void or expires, the permittee shall reapply and obtain a new Building Permit covering the proposed construction before proceeding with construction. The permittee shall comply with all regulations in existence at the time application is made for a new Building or Site Clearing Permit.
3. Any Building or Site Clearing Permit issued prior to the effective date of this Code shall expire and become null and void eighteen (18) months from the date of issuance thereof unless construction is delayed for reasons enumerated in Section 10.07.02 A., and the contractor so notifies the City in writing in accordance with Section 10.07.02 A. provided, a schedule may be submitted for approval within thirty (30) days from the effective date of this Code for any construction presently underway requiring in excess of eighteen (18) months to complete.

4. Signs must be placed within six (6) months of obtaining the permit or the permit is voided and a new permit must be issued unless the permit is extended by the County. Final inspection must be called for by the applicant within the six (6) month time period, or the permit is voided. Identification numbers issued with Sign Permits must be displayed on the sign itself. Sign permits need not be renewed as long as the sign exists in its approved form in the same location.

### **10.07.03 Driveway Permits**

#### *A. Generally*

Any person seeking to construct or reconstruct any curb cut or driveway on any County or municipally maintained public road in Holmes County shall submit a permit application to the County which may be issued by the County.

#### *B. Contents*

The original and two (2) copies of the permit application shall be submitted to the County and include the following information:

1. Name and address of the owner of the property on which the driveway is proposed to be located.
2. A set of detailed plans for the proposed driveway or curb cut (including the site development plan if applicable). One and two-family residences within the municipalities of Esto, Noma, Ponce de Leon and Westville are exempt from this requirement.
3. Estimate cost of the alteration. One and two-family residences within the municipalities of Esto, Noma, Ponce de Leon and Westville are exempt from this requirement.
4. Approval from the Florida Department of Transportation if applicable.
5. Payment of the applicable fee.
6. All other information deemed necessary by the County for the reasonable review of the proposed driveway connection.

#### *C. Procedure for Review of Driveway Permit Applications*

Within forty-five (45) days after the application has been submitted, the County shall review the application and determine if it is complete. If the County determines that the application is incomplete, it shall send the applicant a written statement specifying the deficiencies, and shall take no further action unless the deficiencies have been remedied. Within forty-five (45) days after the County has determined an application complete, the County shall approve with conditions or deny the application

based upon the standards in Section **6.01.06**. Notification of the decision shall be mailed to the applicant and filed in the office of the County.

#### **10.07.04 Temporary Use Permits**

##### *A. Generally*

Temporary uses and structures are permitted subject to the standards hereinafter established provided that a permit for such use or structure is obtained from the County. Temporary real estate sales offices and construction trailers located on the same parcel as the development may be approved as part of a Building Permit application. Temporary sales offices in new subdivisions must comply with the Standard Building Code and may only be permitted for a specified period of time provided they are located off the public right-of-way. Construction trailers are not required to comply with the Building Code requirements. However, the building must provide reasonable safety for the intended use and additional permits for electrical or plumbing shall be obtained as necessary to serve the temporary building.

##### *B. Permissible Temporary Uses and Structures*

Permissible temporary uses and structures requiring a Temporary Use Permit include the following:

1. Indoor and outdoor art and craft shows, bazaars, carnivals, revivals, circuses, sports events and exhibits provided that no more than six (6) events of a maximum of five (5) days each are conducted on the same property during any calendar year.
2. Christmas tree sales provided that no such use shall exceed sixty (60) days.
3. Other temporary uses and structures which are, in the opinion of the County, consistent with the Comprehensive Plan and the provisions of this Code.

#### **10.07.05 Right-of-Way Use Permit**

##### *A. Generally*

County Right-of-Way Use Permits are required for the use of County or municipal right-of-way or easements for the construction, installation or maintenance of any public or private utility, roadway or any other facility, structure, driveway, culvert, drainage system, pavement, easements or object in the right-of-way approved by the County Commission other than those constructed or maintained by the County.

##### *B. Exemptions*

No permit shall be required for the following:

1. Construction of water, sewer, power, telephone or gas utilities in subdivisions in accordance with engineering drawings approved by the County where such construction will be completed prior to acceptance of road right-of-way by the County.
2. Repairs of previously permitted utilities in the right-of-way; provided, however, such repairs do not require cutting of any pavement, including curbs and driveways or excavation requiring restoration involving seeding or mulching and/or sodding.

*C. Prohibitions*

The following shall be prohibited within County right-of-way:

1. Construction of masonry or other substantial structures, except mailboxes, other than for permitted utilities.
2. Private signs.

*D. Application Procedures*

Applications for a permit, accompanied by the appropriate fee, shall be submitted to the County. The application shall be on a form approved and designated by the County and in accordance with the procedure established by the County. The County, or its designee, shall, upon request for a permit application, provide to the applicant a copy of the current right-of-way utilization application procedures. All right-of-way use permits shall meet the specifications and guidelines set forth in this Code.

*E. Compliance Requirements*

Applicants for Right-of-Way Use Permits shall comply with the following requirements:

1. Submittals

The following information shall be provided by applicants for all County permits under this Article: the name, local address and phone number of applicant, the date, the precise description of the work proposed, including three (3) copies of drawing of the intended construction, the location of the work, any special conditions, a maintenance traffic plan and any other submittals and information as may be required by the County to reasonably exercise his authority hereunder.

2. Insurance

Unless specifically required by the Board of County Commissioners, the permit shall not be effective for any purpose whatsoever until the applicant, or his designated representative,

delivers to the County a certificate of liability insurance evidencing bodily injury and property damage coverage equal to or in excess of the following limits: ONE HUNDRED THOUSAND and NO/100 DOLLARS (\$100,000.00) per person; THREE HUNDRED THOUSAND and NO/100 DOLLARS (\$300,000.00) per occurrence; and FIFTY THOUSAND and NO/100 DOLLARS (\$50,000.00) property damage. Said certificate of insurance shall name Holmes County as an additional insured, shall be effective for all period of work covered by this use permit, and shall be in a form and issued by an insurance company acceptable to the County.

*F. Approving Authority*

The County shall have the authority to approve, approve with conditions or deny applications.

*G. Time Limit*

The permit shall be considered valid for sixty (60) days beginning on the date of issuance. If work does not commence by the sixtieth (60th) day, the permit shall be considered void and reapplication will be necessary. Work must be completed by the completion date indicated on the application. Work not completed by the completion date will be subject to stop work order, re-application, additional fee or other remedy as may be required by the County Commission.

*H. Restoration*

No person shall use County right-of-way or easement for any purpose for which a permit is required by this section without first obtaining a permit therefor. In the event County or municipal rights-of-way or easements are used and/or construction takes place without a permit, upon written notice by the approving authority, the person shall remove any constructed facility, restore the area to its original condition and cease any non-permitted use.

*I. Utilities*

Notwithstanding any other provisions of this Code, the County reserves the right to require utility lines of all kinds to be constructed and installed beneath the surface of the ground as a condition on the issuance of a right-of-way utilization permit. Provided that no bulk electric power supply lines, including, but not limited to, transmission lines and primary distribution feeder lines shall be required to be placed underground unless directed by the Board of County Commissioners.

**10.07.06 Tree Removal Permits**

*A. Generally*

Unless otherwise provided in this Code, no person shall remove any protected tree from any lot or parcel of land or portion thereof within Holmes County and its municipalities without first obtaining a tree removal permit from the County unless exempt pursuant to Section **5.03.04** of this Code.

*B. Permit Application and Other Administrative Requirements*

Any person desiring a tree removal permit shall make written application to the County upon forms provided by the Building Inspector.

1. The application form shall be accurately completed, signed and notarized by the land owner or his agent. If the application is submitted by an agent, it shall include a notarized agency agreement clearly indicating that the land owner has delegated full authority to apply for the permit and to accept the terms of any special conditions which may be imposed by the County in accordance with this Chapter. The application shall include the name, address and telephone number of the land owner and his agent.
2. Each application for a tree removal permit shall be accompanied by a generalized tree inventory which shall consist of a survey based upon the most current available information. The survey shall show the approximate location, extent and type of protected trees upon the site, including common or scientific names of the major groups of trees. The survey shall indicate which protected trees are intended for removal and/or grubbing and which will be left undisturbed. For non-residential and multifamily development, the survey may be in the form of an aerial or a field survey, and shall be accompanied by photographs illustrating areas of trees. For individual single family or duplex developments, the survey may be in the form of hand drawn sketches accompanied by photographs of existing conditions. If site development plans have been prepared, the survey shall be prepared to the same scale or in some other manner which clearly illustrates the relationships between areas of protected trees and proposed site improvements. If site development plans are available, the survey shall be prepared to a convenient scale which clearly reveals the extent of protected trees upon the site. The requirements of Section 10.02.03 D.3.e. shall be met for those applications not requiring a site development plan.
3. The County may require that the application include such additional information which is reasonable and necessary for adequate administration of this Section.
4. The application and accompanying documents shall be submitted in copies sufficient to administer this Section.
5. The completed application shall be accompanied by an application fee.
6. The filing of an application shall be deemed to extend permission to the County to inspect the subject site if necessary for purpose of evaluating the application.
7. For those applications which are not being processed concurrently with a site development plan, the County shall review each complete application and shall render a decision within thirty (30) days of acceptance. If no decision is made within the indicated time period, the

permit shall be deemed to have been granted in accordance with the information on the application. If the permit is not issued, the Building Inspector shall state in writing the reasons for denial and advise the applicant of any appeal remedies available. For good cause, the County may request one extension from the applicant of an additional thirty (30) days in which to make a determination, provided the extension is requested prior to expiration of the initial thirty-day period.

8. Any permit issued hereunder shall remain valid for a term of six (6) months and may be renewable for a second six-month period upon request to the County provided such request occurs prior to the expiration date of the initial permit. The Building Inspector may require reapplication and full review in those renewal cases where site conditions have changed significantly from the date of issuance of the initial permit as a result of natural growth of trees and vegetation, or high winds, hurricane, tornado, flooding, fire or other act of nature. If a permit required by this Section has been issued concurrently with a bona fide site development plan, then such permit shall run concurrently with the bona fide site development plan and shall be renewed together therewith.
9. Tree removal permits shall automatically expire and become void if the work authorized by such permit is not commenced within six (6) months after the date of the permit.
10. Tree removal permits shall expire and become void if authorized removal work, once commenced, is suspended, discontinued or abandoned for a period equal to or greater than six (6) months.
11. If a tree removal permit expires or becomes void after work has commenced, a new permit shall be obtained before work is resumed.
12. A permit shall be prominently displayed upon the site.

*C. Enforcement and Penalties*

1. Enforcement, penalties, appeals and remedy of matters related to this Section shall be the responsibility of Holmes County.
2. Each person who commits, attempts to commit, conspires to commit or aids and abets in the commission of any act declared herein to be in violation of this Section whether individually or in connection with one (1) or more persons, or as a principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or willfully entices, causes, coerces, requires, permits or directs another to violate any provision of this Section is likewise guilty of such offense.
3. Each individual protected tree unlawfully removed or grubbed under the provisions of this Code shall constitute a separate offense.



4. Each day that a violation of this Section is continued or permitted to exist without compliance shall constitute a separate offense.
5. No preliminary development orders, final development orders or development permits shall be issued to any violator of this Section until the violation(s) have been properly abated to the satisfaction of the County.
6. In any enforcement proceeding, the adjudicating body may consider mitigating measures voluntarily undertaken by the alleged violator such as replacement or relocation of protected trees or other landscaping improvements, in fashioning its remedy, in addition to or in lieu of other penalties provided by law. Such body may also require such restorative measures in addition to or in lieu of other penalties provided by law.

## **10.08.00 EXEMPTIONS AND VESTED RIGHTS**

### **10.08.01 Types of Vested Rights**

#### *A. Generally*

There shall be two types of vested rights under the Holmes County Comprehensive Plan which shall entitle the holder of such vested rights to develop the property which is the subject of such vested rights as was allowed pursuant to the laws and regulations in existence on May 31, 1991, and those provisions of the Holmes County Comprehensive Plan that merely restate such law and regulation, including both compliance with the Holmes County Comprehensive Plan and satisfaction of concurrency requirements, except that concurrency requirements shall not be vested as to sewer and roads, unless the Board of County Commissioners finds that such development would constitute a peril to the public health, safety or general welfare of the residents of Holmes County.

#### *B. Types of Vested Rights*

1. Those vested rights acquired pursuant to a Residential Use Permit as defined in Section 10.08.02 and;
2. Those vested rights acquired pursuant to a Special Use Permit as defined in Section 10.08.03.

#### *C. Conditions*

All such vested rights permits shall be subject to the various provisions of this Chapter.

### **10.08.02 Vested Rights Residential Use Permit**

A Vested Rights Residential Use Permit shall be issued by the County Commission to the owner of a duly recorded, as of May 1, 1991, parcel of record entitling such owner to develop a single family dwelling unit on such parcel subject only to the requirements of the prior regulations. The applicant for a Vested Rights Residential Use Permit shall submit to the County that the County Commission may from time to time designate, at the time of application for a building permit for a single family dwelling unit, a copy of a subdivision plat, deed, agreement, map, survey or other drawing which was recorded in the public records of Holmes County, Florida, on or before May 31, 1991, which demonstrates the existence of an individual parcel of property owned by the applicant, and such submission shall entitle the applicant to a Vested Rights Residential Use Permit.

### **10.08.03                      Vested Rights Special Use Permit**

A vested Rights Special Use Permit may be issued by the County (or its designee) with the concurrence of the County Commission, or such employee as the County Commission may designate from time to time, if the applicant meets the criteria as follows:

1.        Presentation of a sufficient showing that the applicant has been issued a Final Development Order and development has commenced and is continuing in good faith; or
2.        A satisfactory showing that the property owner has relied to his detriment by making a material change in his position in good faith on a commitment by or omission of the County.

#### ***B.        Relevant Factors***

In making this determination, all relevant factors shall be considered, including but not limited to the following:

1.        Whether construction has commenced;
2.        Whether the planned development is part of a phased development, a portion of which has been commenced with the reasonable expectation that the proposed development would be included in the overall development;
3.        Whether the expense or obligation incurred is unique to the development;
4.        Whether the expense or obligation incurred is not reasonably usable for development permitted by the Comprehensive Plan;
5.        Whether the development satisfied all prior regulations.

#### ***G.        Factors Not Considered Development Expenditures or Obligations***

Without more, the following are not considered to be development expenditures or obligations in and of themselves:

1. Expenditures for legal or other professional services that are not related to the design or construction of improvements;
2. Payment of taxes;
3. Expenditures for initial acquisition of land.

*D. Time Limits*

On or before May 31, 1992, an application for a Vested Rights Special Use Permit may be submitted to the County on such forms as may be provided from time to time. The Vested Rights Special Use Permit will be granted or denied within ninety (90) days of the filing of the application thereof.

**10.08.04 Limitations**

Vested Rights Residential Use Permits and Vested Rights Special Use Permits shall be issued with the following limitations:

1. There shall be no vesting as to satisfying the concurrency requirements of the Comprehensive Plan as to sewer and roads;
2. Upon the expiration of five (5) years from the date of issuance of a Vested Rights Residential Use Permit, the development subject to such permits shall no longer be vested as to satisfying any concurrency requirements of the Comprehensive Plan and shall be subject to the requirements for the determination of capacity of public facilities and the availability of such public facilities as required by the Comprehensive Plan. Notwithstanding the foregoing, Vested Rights granted pursuant to this Chapter may be extended by the County Commission upon finding that such extension is reasonable and necessary in light of the development approved; and
3. All development subject to a Vested Rights Special Use Permit or a Vested Rights Residential Use Permit must be consistent with the terms of the development approvals upon which such permit was based. Any substantial deviation from a prior development approval shall be subject to the Comprehensive Plan.

**10.08.05 Substantial Deviations**

The Planning Commission shall determine whether a proposed change in a development subject to a Vested Rights Special Use Permit or a Vested Rights Residential Use Permit is a substantial deviation. The following shall be considered substantial deviations:

1. An increase in the intensity of use of more than five (5) percent of the usable floor area of a non-residential development;
2. Any change in use from a specifically approved use;
3. Any increase in traffic generated by the proposed development of more than ten (10) percent;
4. A decrease in the area set aside in the proposed development for open space of more than ten (10) percent;
5. Any change in height of any structure included within the proposed development of more than fifteen (15) feet; or
6. A combination of increases in a multi-use development where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds one hundred (100) percent.

#### **10.08.06 Legal Status of Vested Rights**

Vested Rights established pursuant to this Chapter shall apply to the land and therefore may be transferred from owner to owner. Subject to the limitations set forth in this Chapter, a Vested Rights Special Use Permit or a Vested Rights Residential Use Permit vests the development approved under such permit with respect to the Comprehensive Plan, this Code and the requirements for the determination for the capacity of public facilities and the availability of public facilities except as to sewer and roads.

### **10.09.00 COMPREHENSIVE PLAN AMENDMENTS**

#### **10.09.01 State Law Controlling**

The procedures in this part shall be followed in amending the Comprehensive Plan. This part supplements the mandatory requirements of state law, which must be adhered to in all respects.

10.09.01(a) Holmes County shall complete the adoption of a zoning amendment within a period of three weeks.

#### **10.09.02 Application**

##### *A. Generally*

Any person, board or agency may apply to the County to amend the Comprehensive Plan in compliance with procedures, not inconsistent with State law, prescribed by Holmes County .

*B. Submittals*

1. Generally

The application shall include the following information:

- a. The applicant's name and address;
- b. If the application requests an amendment to the text of this code, the precise wording of any proposed amendments to the text of this Code shall be provided;
- c. A statement describing any changed conditions that would justify an amendment;
- d. A statement describing why there is a need for the proposed amendment;
- e. A statement describing whether and how the proposed amendment is consistent with the Holmes County Comprehensive Plan;
- f. A statement outlining the extent to which the proposed amendment:
  - (1) is compatible with existing land uses;
  - (2) affects the capacities of public facilities and services;
  - (3) affects the natural environment;
  - (4) will result in an orderly and logical development pattern.
- g. If the application requests an amendment to the Future Land Use Map, the applicant shall include:
  - (1) the street address and legal description of the property proposed to be reclassified;
  - (2) the applicant's interest in the subject property;
  - (3) the owner's name and address, if different than the applicant;
  - (4) the current land use district classification and existing land use activities of the property proposed to be reclassified;
  - (5) the area of the property proposed to be reclassified, stated in square feet or acres;
- h. Such other information or documentation as the County may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

### **10.09.03 Standards for Review**

In reviewing the application of a proposed amendment to the Holmes County Comprehensive Plan, the Board of County Commissioners and the Planning Commission shall consider:

- A. Whether the proposed amendment is in conflict with any applicable provisions of this Code;
- B. Whether the proposed amendment is consistent with all elements of the Holmes County Comprehensive Plan;
- C. Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;
- D. Whether there have been changed conditions that required an amendment;
- E. Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether or to the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;
- F. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;
- G. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
- H. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern;
- I. Whether the proposed amendment would be in conflict with the public interest, and in harmony with the purpose and interest of this Code; and
- J. Any other matters that may be deemed appropriate by the Planning Commission or the County Commission, in review and consideration of the proposed amendment.

### **10.09.04 Review by the County**

#### **A. *Submission and Completeness***

Within thirty (30) days after an application for an amendment to the text of this Code or an application for an amendment to the Holmes County Comprehensive Plan is submitted, the County shall determine whether the application is complete. If the application is not complete, the County shall send a written statement specifying the application's deficiencies to the applicant by certified mail return receipt

requested. The County shall take no further action on the application unless the deficiencies are remedied.

*B. Review*

When the County determines an application for an amendment to the Holmes County Comprehensive Plan is complete, he or she shall notify the Planning Commission who shall review the application and make a recommendation to the Board of County Commissioners.

**10.09.05 Action by Planning Commission**

*A. Public Hearing*

Upon notification of the completed application for an amendment to the Holmes County Comprehensive Plan, the Planning Commission shall place it on the agenda of a regular or special meeting for a public hearing in accordance with the requirements of Section **10.02.08**. The public hearing held on the application shall be in accordance with Section 10.02.08. In recommending the application to the County Commission, the Planning Commission shall consider the standards in Section **10.09.03**.

*B. Action by Planning Commission*

Within forty-five (45) days of the conclusion of the public hearing, the Planning Commission shall make a recommendation to grant or deny the application for amendment to the County Commission. Such recommendation shall:

1. Identify any provisions of the Code, Comprehensive Plan or other law relating to the proposed change and describe how the proposal relates to them.
2. State factual and policy considerations pertaining to the recommendation.
3. In the case of proposed amendments to this Code, include the written comments, if any, received from the County staff.

**10.09.06 Action by Board of County Commissioners**

**A. Upon notification of a completed application for an amendment to the Holmes County Comprehensive Plan, the County Commissioners shall schedule a public hearing to follow immediately after or as soon after as practical, the public hearing scheduled by the Planning Commission. The Holmes County Public Hearing shall be in accordance with the requirements of Section 10.02.08.**

B. In making a decision on the application, the County Commission shall consider the recommendation of the Planning Commission and the standards in Section 10.10.03.

C. Within a reasonable time of the conclusion of the public hearing, the County Commission shall either grant or deny the application for a proposed amendment.

D. Notification of the County Commission's decision shall be mailed to all parties, and the decision shall be filed with the County in accordance with Section **10.02.09**.

#### **10.09.07 Time Limitation**

A. After a decision or recommendation denying a proposed amendment to the text of this Code or a proposed amendment to the Holmes County Comprehensive Plan, the County Commission and the Planning Commission shall not consider an application for the same amendment for a period of two (2) years from the date of the action.

B. The time limits of this Section may be waived by the affirmative vote of four (4) members of the County Commission when such action is deemed necessary to prevent injustice or facilitate the proper development of the County.

### **10.10.00 LAND DEVELOPMENT CODE AMENDMENTS**

#### **10.10.01 State Law Controlling**

The procedures in this part shall be followed in amending this Code. This part supplements the mandatory requirements of state law, which must be adhered to in all respects.

#### **10.10.02 Application**

##### *A. Generally*

Any person, board or agency may apply to the County to amend this Code in compliance with procedures, not inconsistent with State law, prescribed by the County.

##### *B. Submittals*

##### *1. Generally*

The application shall include the following information:

- a. The applicant's name and address;



- b. A statement describing any changed conditions that would justify an amendment;
- c. A statement describing why there is a need for the proposed amendment;
- d. A statement describing whether and how the proposed amendment is consistent with the Holmes County Comprehensive Plan;
- e. A statement outlining the extent to which the proposed amendment:
  - (1) is compatible with existing land uses;
  - (2) affects the capacities of public facilities and services;
  - (3) affects the natural environment;
  - (4) will result in an orderly and logical development pattern.
- f. Such other information or documentation as the County may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

### **10.10.03 Standards for Review**

In reviewing the application of a proposed amendment to the text of this Code, the County Commission, the County and the Planning Commission shall consider:

- A. Whether the proposed amendment is in conflict with any applicable provisions of this Code;
- B. Whether the proposed amendment is consistent with all elements of the Holmes County Comprehensive Plan;
- C. Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;
- D. Whether there have been changed conditions that require an amendment;
- E. Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether or to the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;
- F. Whether and to the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;

G. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;

H. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern;

I. Whether the proposed amendment would be in conflict with the public interest, and in harmony with the purpose and interest of this Code; and

J. Any other matters that may be deemed appropriate by the Planning Commission or the County Commission, in review and consideration of the proposed amendment.

#### **10.10.04 Review by the County**

##### *A. Submission and Completeness*

Within thirty (30) days after an application for an amendment to the text of this Code or an application for an amendment to the Holmes County Comprehensive Plan is submitted, the County shall determine whether the application is complete. If the application is not complete, the County shall send a written statement specifying the application's deficiencies to the applicant by certified mail return receipt requested. The County shall take no further action on the application unless the deficiencies are remedied.

##### *B. Review*

When the County determines an application for an amendment to the Land Development Code is complete, the County shall notify the Planning Commission, review the application, make a recommendation and forward the recommendation to the Planning Commission.

#### **10.10.05 Action by Planning Commission**

##### *A. Public Hearing*

Upon notification of the completed application for an amendment to the text of this Code, the Planning Commission shall place it on the agenda of a regular or special meeting for a public hearing in accordance with the requirements of Section **10.02.08**. The public hearing held on the application shall be in accordance with Section **10.02.09**. In recommending the application to the County Commission, the Planning Commission shall consider the standards in Section **10.10.03**.

##### *B. Action by Planning Commission*

Within forth-five (45) days of the conclusion of the public hearing, the Planning Commission shall make a recommendation to grant or deny the application for amendment to the County Commission. Such recommendation shall:

1. Identify any provisions of the Code, Comprehensive Plan or other law relating to the proposed change and describe how the proposal relates to them.
2. State factual and policy considerations pertaining to the recommendation.
3. In the case of proposed amendments to this Code, include the written comments, if any, received from the County staff.

#### **10.10.06 Action by Board of County Commissioners**

A. Upon receipt of the recommendation of the Planning Commission, the Board of County Commissioners shall place the application on the agenda of a regular meeting of the County Commission for a public hearing in accordance with the requirements of Section **10.02.09**.

B. In making a decision on the application, the County Commission shall consider the recommendation of the Planning Commission and the standards in Section **10.10.03**.

C. Within a reasonable time of the conclusion of the public hearing, the County Commission shall either grant or deny the application for a proposed amendment.

D. Notification of the County Commission's decision shall be mailed to all parties, and the decision shall be filed with the County in accordance with Section **10.02.09**.

#### **10.10.07 Time Limitation**

A. After a decision or recommendation denying a proposed amendment to the text of this Code or a proposed amendment to the Holmes County Comprehensive Plan, the County Commission and the Planning Commission shall not consider an application for the same amendment for a period of two (2) years from the date of the action.

B. The time limits of this Section may be waived by the affirmative vote of four (4) members of the County Commission when such action is deemed necessary to prevent injustice or facilitate the proper development of the County.

#### **10.11.00 APPEALS**

##### **10.11.01 Appeals from Decisions of Holmes County**

A developer or any adversely affected person may appeal an order, decision, determination or interpretation of the Comprehensive Plan by Holmes County subject to an appeal, specifying the grounds for the appeal. Appeals are made to the Planning Commission by filing a notice of appeal with the County within thirty (30) days of the decision. Other appeals, including to an order, decision, determination or interpretation of the Holmes County Land Development Code by the County are made to the Planning Commission in the same manner.

#### **10.11.02 Appeals from Decisions of the Planning Commission or Holmes County**

A developer, an adversely affected party, or any person who appeared orally or in writing before the Planning Commission or the County and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision of the Planning Commission or County to the Board of County Commissioners

#### **10.11.03 Record**

The record to be considered on appeal shall be all written materials considered during the initial decision, any additional written material submitted by the appellant to the County, and any testimony considered on the hearing of the appeal.

#### **10.11.04 Effect of Filing an Appeal**

The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the County certifies to the Planning Commission or County Commission that by reason of certain facts, a stay would impose an imminent peril to life or property; in such case the appeal will not stay any further proceedings except by a restraining order.

#### **10.11.05 Procedure**

A. The Planning Commission shall hold a hearing on the appeal within a reasonable time after a notice of appeal is filed. The appellant shall be notified by the County of the time, date and place of the public hearing by certified mail, return receipt requested. The Planning Commission shall reverse the order, decision, determination or interpretation only if there is substantial competent evidence in the record that an error was made in the decision being appealed from that fails to comply with the requirements of this Code. In so modifying such decision, the Planning Commission shall be deemed to have all powers of the officer or board from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.

B. The decision of the Planning Commission shall be mailed to all parties by the County.

#### **10.11.06 Appeals to Circuit Court**

Any person, firm, organization or agency claiming to be injured or aggrieved by any final action of Holmes County, the Planning Commission or County Commission arising from the decision-making or administration of this Code may present to the Circuit Court of the Holmes County a petition for a writ or certiorari to review such final action as provided by the Florida Appellate Rules. Such action shall not be taken until the litigant has exhausted all the remedies available in this Code. Such petition shall be presented to the Court within thirty (30) days after the date the litigant has exhausted all such Code remedies.

## **10.12.00 FEES**

A schedule of fees may be established by resolution of the County Commission in order to cover the costs of technical and administrative activities required pursuant to this Code. Unless specifically exempted by the provisions of this Code, an applicant for any development that is subject to the rules and regulations set out in this Code shall bear the costs stipulated within such fee schedule.

## **10.13.00 ENFORCEMENT OF DEVELOPMENT ORDERS AND PERMITS**

### **10.13.01 Major and Minor Deviations**

#### *A. Minor Deviations*

A minor deviation is a deviation from a final development plan that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

1. Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.
2. Reduction of the total amount of open space by not more than five (5) percent, or a reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.

#### *B. Major Deviations*

A major deviation is a deviation other than a minor deviation, from the final development plan.

### **10.13.02 On-Going Inspections**

#### *A. Inspection*

The Holmes County Building Inspection Office shall perform periodic inspection of development work in progress to ensure compliance with the development permit which authorized the activity.

*B. Minor Deviations*

If the work is found to have one or more minor deviations, the County shall amend the development order to conform to actual development. The County may, however, refer any minor deviation that significantly affects the development's compliance with the purposes of this Code to the Planning Commission for treatment as a major deviation.

*C. Major Deviations*

1. If the work is found to have one or more major deviations as determined by the Planning Commission, the Planning Commission shall:
  - a. Place the matter on the next agenda of the Planning Commission allowing for adequate notice, and recommend appropriate action for the Board of County Commissioners to take.
  - b. Issue a stop work order or other legal action available to remedy the deviation and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the County determines that work or occupancy may proceed pursuant to the decision of the County Commissioners.
  - c. Refer the matter to the Code Inspector, if it appears that the developer has committed violations within the jurisdiction of the Code Inspector.
2. The Board of County Commissioners shall hold a public hearing on the matter and shall take one of the following actions:
  - a. Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time specified by the County Commission. The development order or permit may be revoked if this order is not complied with.
  - b. Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.

- c. Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.

*D. Action of Developer After Revocation of Development Order*

After a development order or permit has been revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

**10.13.03 Application for Certificate of Occupancy**

Upon completion of work authorized by a development order or permit, and before the development is occupied, the developer shall apply to the County. The County shall have the work inspected and issue the certificate if found to be in conformity with the permit or order.

**10.14.00 CODES ENFORCEMENT**

**10.14.01 Generally**

The Board of County Commissioners shall enforce this Code according to the procedures set forth below.

**10.14.02 Enforcement Procedures**

A. When the County has reason to believe that the provisions of this Code are being violated, it shall initiate enforcement proceedings. No member of the County Commission may initiate enforcement proceedings.

B. The County shall notify the alleged violator of the nature of the violations and provide a reasonable period of time to eliminate them. If the violations are not eliminated within the time specified, the County shall notify the County Commission and request a hearing. If a violation presents a serious threat to the public health, safety and welfare, the County shall immediately take the case before the County Commission, even if the violator has not been notified.

C. Written notice of the Request for Hearing and of the date, time and place of the hearing shall be sent to the alleged violator by certified mail, return receipt requested, or by personal service.

D. After a case is set for hearing, the Chairman of the County Commission shall issue subpoenas as requested by the County and the alleged violator. Subpoenas may be served by the Holmes County Sheriff. The County shall pay all costs of issuing and serving up to and including four (4) subpoenas requested by any party. Should a party request more than four (4) subpoenas, that party shall pay all costs incurred in issuing and serving those in excess of four.

*E.* Hearings before the County Commission shall be conducted as follows:

1. The Chairman shall read the Statement of Violations and Request for Hearing.
2. The alleged violator shall be asked if he wishes to contest the charges.
3. The County shall present its case and alleged violator shall present his case. The County's case shall be presented by an attorney representing the County or by a member of the administrative staff of the County. The alleged violator's case may be presented by an attorney, or other representative chosen by the alleged violator.
4. Both parties may call witnesses and all witnesses shall be sworn. All testimony shall be under oath and shall be recorded.
5. Formal rules of evidence shall not apply, but fundamental due process shall be observed.
6. Both parties may cross-examine witnesses and present rebuttal evidence.
7. The County Commission and its attorneys may call or question any witness.
8. After all evidence has been submitted, the Chair shall close presentation of evidence.
9. The County Commission shall immediately deliberate and make a decision in open session. If a decision cannot be reached in the initial meeting, the County Commission shall adjourn and reconsider the matter as soon as possible at a time and date certain.
10. A decision of the County Commission must be approved by a majority of the Commission. The decision shall contain findings of fact and conclusions of law and shall state the affirmative relief granted by the County Commission.
11. The decision shall not be announced as an oral order of the Commission and shall be reduced in writing within ten (10) days and mailed by certified mail, return receipt requested to the parties.
12. The County Commission may, at any hearing, order the reappearance of a party at a future hearing.

*F.* The County Commission, upon finding a violation, shall issue an Order to Comply, setting a date certain for compliance, and a fine to be levied if the deadline for compliance is not met. The fine shall not exceed \$250.00 for each day the violation continues past the specified compliance date.

*G.* After an order has been issued by the County Commission and a date for compliance has been set, the County shall make a reinspection to determine compliance or noncompliance with the order.



*H.* The inspector shall file an affidavit of compliance or noncompliance with the Chairman of the County Commission, and a copy shall be sent to the violator by certified mail, return receipt requested.

*I.* If the County files an affidavit of compliance, the Chairman of the County Commission shall close the file and so report to the County Commission.

*J.* If the County files an affidavit of noncompliance with the Chairman of the County Commission, the County Commission may order the violator to pay the fine as specified in the Commission's order.

*K.* A copy of the order imposing the fine shall be mailed to the violator by certified mail, return receipt requested, or personally served upon the violator.

*L.* If a fine remains unpaid for a period of fourteen (14) days, a certified copy of the order imposing the fine shall be recorded in the Official Records of Holmes County, which shall thereafter constitute a lien against the land on which the violations exists, or if the violator does not own the land, upon any other real or same manner as a court judgment by the sheriffs of this State, including levy against personal property. If the fine remains unpaid for a period of one (1) year following the date the lien was file, the County Commission may authorize the County Attorney to foreclose on the lien.

*M.* In addition to the penalties prescribed above, the County Commission shall:

1. Direct the County not to issue any subsequent development orders for the development until the violation has been corrected.
2. Inform the violator that no further work under an existing approval may proceed until the violation has been corrected.

#### **10.15.00 OTHER PENALTIES AND REMEDIES**

*A. Generally*

If the County determines that the codes enforcement process delineated above would be an inadequate response to a given violation, it may pursue the following penalties and remedies, as provided by law.

*B. Lot Sales Limited to Approved Subdivision*

It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat or subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by these regulations and recorded the approved subdivision plat as required. If such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of a misdemeanor and shall be punishable as provided in this Section.

*C. False Representation as to Maintenance Responsibility*

Any owner or agent of the owner who falsely represents to a prospective purchaser of real estate that any facilities and services such as roads and streets, sewers, water systems or drainage facilities will be built, constructed or maintained by the County shall be deemed guilty of a misdemeanor and shall be punishable as provided by law.

*D. Civil Remedies*

If any building or structure is erected, constructed, altered, repaired or maintained or any building, structure, land or water is used in violation of this Code, the County, through the County Attorney, may institute any appropriate civil action or proceedings in any court to prevent, correct or abate the violation.

*E. Criminal Penalties*

Any person who violates any provision of this Code shall be deemed guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.

## **APPENDIX A**

### **DEFINITIONS**

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

Abut - To physically touch or border upon, or to share a common property line.

Accessory Sign - A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

Accessory Use - A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

Addition (To An Existing Building) - As used in Section 4.06.00, Floodplains, means any walled or roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall is separated by independent perimeter load bearing walls is new construction.

Adult Congregate Living Facility (ACLF) - A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes.

Adversely Affected Person - Any person who is suffering or will suffer an adverse impact to an interest protected or furthered by the Bonifay Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities; equipment or services; and environmental or natural resources. The alleged adverse affect may be shared with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Advertising - Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Area of Shallow Flooding - A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard - Is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

Availability - As used in Chapter III, Concurrency, means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Section 3.04.00, Adopted Levels of Service.

Base Flood - The flood having a one percent chance of being equalled or exceeded in any given year.

Breakaway Wall - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building - Any structure built for support, shelter or enclosure for any occupancy or storage.

Building Sign - A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

Business Activity - Any activity conducted by any person in furtherance of such person's business (regardless of whether such business is for profit) or employment at any location other than a natural person's residence.

Code Enforcement Officer - Any authorized agent or employee of the County whose duty is to enforce and assure compliance with the codes and ordinances of the County.

Commercially Developed Parcel - A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Community Residential Home - A dwelling unit licensed to serve clients of the Department of Health and Rehabilitative Services, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The term "community residential home" shall include congregate care facilities, foster homes, group care homes and child care facilities with seven (7) to fourteen (14) residents and that otherwise meet the definitional requirements of a community residential home.

Concurrency - Means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Management System - The procedures and/or process that Bonifay uses to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Copy - The linguistic or graphic content of a sign.

DBH - See "Diameter at Breast Height".

Density or Gross Density - The total number of dwelling units divided by the total site area, less public right-of-way.

Developer - Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development - Any manmade change to improve for unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or permanent storage of materials.

Development Order - An order granting, denying, or granting with conditions an application for approval of a development project or activity. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development orders: preliminary development order, final development order, and development permit.

Development Order, Preliminary - Any preliminary approval which does not authorize actual construction, mining or alterations to land and/or structures. A preliminary development order may authorize a change in the allowable use of a land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of this Code preliminary development orders include Future Land Use Map Amendments, Comprehensive Plan amendments which affect land use or development standards, preliminary development plan approval, and master plan approval.

Development Order, Final - The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code the final development plan approval is the final development order.

Development Permit - Any one of the following: (a) building permit, (b) site plan, (c) final plat, and (d) any other official action of Holmes County having the effect of permitting the development of land.

Diameter at Breast Height (DBH) - The standard measure of a single stemmed tree at four and one-half (4 1/2) feet above grade. When a tree has grown with cluster stems at breast height, DBH shall be equal to the sum or aggregate of the individual stems measured at four and one-half (4 1/2) feet above grade.

Drip Line - An imaginary, perpendicular line that extends downward from the outermost tips of the tree branches (i.e. crown) to the ground.

Dwelling Unit - A single housing unit providing complete, independent living facilities for one housekeeping unit, including provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Multi-Family - Any residential structure containing three (3) or more separate dwelling units.

Dwelling, Single-Family - A structure containing one dwelling unit, and not attached to any other dwelling unit by any means. A single-family unit may contain an accessory apartment pursuant to this Code.

Duplex - A structure containing two (2) separate dwelling units.

Electric Sign - Any sign containing electric wiring.

Electronic Message Center - Any sign that uses changing light to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed.

Elevated Building - A non-basement building built to have the lowest floor elevated above ground level by means of fill, solid foundation, perimeter walls, pilings, columns (posts and piers), sheer walls, or breakaway walls.

Erect a Sign - To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Family Residential Home - A dwelling unit licensed to serve clients of the Department of Health and Rehabilitative Services, which provides a living environment for six (6) or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The term "family residential home" shall include congregate care facilities with six (6) or fewer residents and that otherwise meet the definitional requirements of a family day care home.

FAR - See "Floor Area Ratio".

Final Development Order - A development permit.

Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land area from: (a) the overflow of inland or tidal waters; (b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - An official map of a community, issued by the Federal

Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Emergency Management Agency has delineated both of the areas of a special flood hazard and the risk premiums zones applicable to the community.

Flood Insurance Study - The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor - As used in Section 4.06.00, Floodplains, means the top surface of an enclosed area in a building (including basement), i.e., top of slab and concrete slab construction or top of wood flooring in wood framed construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area Ratio - The ratio of floor area to the area of the lot. The floor area is the sum of all enclosed areas on all floors of a building or buildings measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, and balconies and any below grade floor area used for access and storage. Not countable as floor area are open terraces, patios, atriums and breezeways.

Frontage - The length of the property line of any one parcel along a street on which it borders.

Functional Dependent Facility - Facility which cannot be used for its intended purpose unless it is located or carried in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, ship building, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Generator - Any person who through any act or process produces hazardous waste.

Grade - The average level of the finished surface of the ground adjacent to a tree or to the exterior wall of a building or structure.

Ground Sign - A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Hazardous Waste - Solid waste, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an

increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. Hazardous waste consists of specific wastes that exhibit ignitable, corrosive, reactive or other toxic properties as identified by the U.S. Environmental Protection Agency (EPA). The EPA has identified approximately 300 chemical compounds that possess one or more of these four properties. In addition, the EPA has identified industrial processes that are related to these chemical compounds. These chemical compounds are identified as part of the EPA's hazardous waste management system [unlisted (characteristic) hazardous waste (40 CFR part 261, subpart C) and list of hazardous waste (40 CFR part 261, subpart D)]. Specifically excluded as hazardous waste are the following: 1) Ashes and burning sludge generated from the burning of boiler fuel for the generation of electricity or steam; 2) Agricultural and silvicultural by-product material and process waste from normal farming activities; and, 3) Discarded material generated from mining and beneficiation in chemical or thermal processing of phosphate rock and precipitant resulting from the neutralization of phosphate chemical process and non-process waters. Provided, however, that it is the express intent of this Code not to expand the definition of Hazardous Waste as defined by the Florida Statutes, as amended, or other applicable Florida Law. Any inconsistency between this definition of Hazardous Waste and that expressed by the Florida Statutes, as amended, or other applicable Florida Law shall be resolved in accordance with Florida Statutes, as amended, or other applicable Florida Law.

Highest Adjacent Grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Illuminated Sign - A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Impervious Surface Ratio - A measurement of the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces are, but not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, limerock, or clay.

Improvement - Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

Institutional Residential Home - A dwelling unit licensed to serve clients of the Department of Health and Rehabilitative Services, which provides a living environment for more than fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The term "institutional residential home" shall include congregate care facilities, foster homes, group care homes and child care facilities with more than fourteen (14) residents that otherwise meet the definitional requirements of institutional residential home.

ISR - See "Impervious Surface Ratio".



Junkyard - Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this Code, such as motor vehicle graveyards shall be considered junkyards.

Ldn - The day-night average sound level consisting of A-weighted sound levels over a 24-hour time period.

Location - A room, enclosure, building, lot, or contiguous group of lots.

Lot - A designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law.

Manufactured Home - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on site for one hundred and eighty consecutive days or longer and intended to be improved property.

Marquee - A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Mean Sea Level - The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plane. For purposes of this Code, the term is synonymous with National Geodetic Vertical Data (NGVD).

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

Motor Vehicle Graveyard - Any establishment or business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled automobiles, motor vehicles or motor vehicle parts.

Multiple Occupancy Complex - A commercial use, i.e. any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Native Vegetation - Any indigenous tree, plant or shrub adapted to soil and climatic conditions occurring on-site.

New Construction - As used in Section 4.06.00, Floodplains, means structures for which the "start of construction" commenced on or after the effective date of this Code.

Occupant (Occupancy) - A commercial use, i.e. any use other than residential or agricultural.

OSR - See "Open Space Ratio".

Open Space Ratio - A measurement of the amount of the site that is devoted to recreation, resource protection, amenity, and/or landscaped buffers. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses.

Outdoor Advertising Sign - A permanent ground sign with a sign face, the bottom of which is at least 20 feet above the ground and which is at least 200 square feet in size.

Owner - A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Parcel - A unit of land within legally established property lines.

Parcel or Lot of Record - As used in this Code, a parcel or lot of record shall mean: 1) Any contiguous quantity of land that is part of an approved subdivision recorded in the Office of the Clerk of the Circuit Court; or, 2) Any contiguous quantity of land which is capable of being described with such definiteness that its location and boundaries are established, and which has been so recorded in the public records in the Office of the Clerk of the Circuit Court prior to December 11, 1990; or, 3) Any contiguous quantity of land which is the subject of an agreement for deed or other instrument of conveyance properly executed prior to December 11, 1990, and which describes the parcel with such definiteness that its location and boundaries are established and recognized by Florida Law.

Permanent - Designed, constructed and intended for more than short term use.

Person - Any and all persons, natural or artificial, including any individual, firm or association; any municipal or private corporation organized or existing under the laws of the State of Florida or any other state; any governmental agency of this state or the Federal Government.

Portable Sign - Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground.

Preliminary Development Order - Any one of the following: (a) preliminary plat; (b) development orders for Developments of regional Impact as defined in Section 380.06, F.S.

Public Facilities and Services - Those items covered by the Bonifay Comprehensive Plan, required by sec. 163.3177, F.S., and for which level of service standards must be adopted under 9J-5, F.A.C. These are: roads; sanitary sewer; solid waste; drainage; potable water; parks and recreation; and mass transit.

Recreation Vehicle - a vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Roof Line - A horizontal line intersecting the highest point or points of a roof.

Roof Sign - A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Sign - Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping", or any architectural embellishment of a building not intended to communicate information.

Sign Face - The part of a sign that is or may be used for copy.

Sign Face Area - The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure - Any construction used or designed to support a sign.

Small Quantity Generator - Each small quantity generator or producer of hazardous waste as defined by Federal Regulations pursuant to 40 CFR Section 261.5.

Snipe Sign - Any sign made of material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, telephone poles or fences.

Start of Construction - As used in section 4.06.00, Floodplains, includes substantial improvement, means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Street - A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

Structure - A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Subdivision - The platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land.

Substantial Improvement - Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during (the life of a structure), in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of initial repair or improvement, (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Temporary - Designed, constructed, and intended to be used on a short-term basis.

Thoroughfare - As used in Section 8.05.00, Permanent Outdoor Advertising Signs, means any street, road, expressway, freeway, or highway located within the unincorporated areas of Holmes County or the incorporated areas of the Towns of Esto, Noma, Ponce de Leon, or Westville.

Tree Removal - Any intentional or unintentional act which may reasonably be expected to cause a tree to decline and die, including: (a) severing the trunk; (b) excessive pruning of the trunk or branching system; (c) mechanical damage to the branching system; (d) mechanical damage to the bark and cambium system; (e) damage to the root system by machinery, storage of materials, or soil compaction; (f) substantially changing the natural surface grade within the dripline; (g) excessive paving or building within the dripline; (h) substantially changing the natural drainage patterns of the building site in a manner reasonable expected to kill the tree; and, (i) direct or indirect application of toxic substances or fire to the tree or its root system.

Unit - That part of a multiple occupancy complex housing one occupant.

Vehicle Sign - Any sign affixed to a vehicle.