
**CITY OF HOLMES BEACH
ORDINANCE 25-02**

AN ORDINANCE OF THE CITY OF HOLMES BEACH AMENDING PART III, LAND DEVELOPMENT CODE, ARTICLE II, ADMINISTRATION AND ENFORCEMENT, BY DELETING DIVISION 3 TITLED “DEVELOPMENT REVIEW COMMITTEE (DRC)” AND RENUMBERING DIVISION 4 AND SECTIONS 2.15 AND 2.16; AMENDING ARTICLE III, PERMITS AND DEVELOPMENT APPROVALS, DIVISION 1, REQUIRED ZONING COMPLIANCE, DELETING SUBSECTION 3.5, “SITE PLAN REVIEW” IN ITS ENTIRETY AND REPLACING IT WITH A NEW AND REORGANIZED SUBSECTION 3.5.B; AMENDING ARTICLE VI, SECTION 6.6, DISTRICT REGULATIONS, BY ADDING SPECIAL REVIEW STANDARDS FOR R-3, R-4 AND A-1 DISTRICTS; AMENDING ARTICLE VI, ZONING, DIVISION 3, SUPPLEMENTAL USE STANDARDS, BY ADDING A NEW SUBSECTION GG REQUIREMENTS OF DEDICATION OR RESERVATION OF RECREATION/OPEN SPACE BY DEVELOPER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3202 (1), Florida Statutes, requires that the City of Holmes Beach adopt or amend and enforce land development regulations that are consistent with and implement the City’s Comprehensive Plan; and

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, Section 163.3202 (3), Florida Statutes, encourages the use of innovative land development regulations and requires that all land development regulations be combined into a single land development code; and

WHEREAS, from time to time, amendments and revisions to the City’s adopted Comprehensive Plan, progress in the field of planning and zoning, or changes to state law make it necessary or desirable to amend the City’s land development regulations; and

WHEREAS, the City Commission recognizes that development projects vary in intensity and potential impact upon neighboring properties and that the level of project review should be commensurate with the scale and intensity of the project; and

WHEREAS, the City Commission recognizes that the quality and efficiency of development review process will benefit from knowledge and experience of the City’s professional staff and consultants in the review of development proposals; and

WHEREAS, these land development regulations are not more restrictive or burdensome and are in fully compliance with 2023 Fla. Sess. Law Serv. Ch. 2023-304 (C.S.C.S.S.B. 250); and

WHEREAS, on April 3, 2024, the City of Holmes Beach Planning Commission, as the City’s Local Planning Agency, held a public hearing to consider this ordinance and passed a motion to recommend adoption of same to the City Commission; and

WHEREAS, the City Commission agrees with the recommendations of the Local Planning Agency and finds that the proposed land development regulations are consistent with the City’s Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Holmes Beach, Florida:

Section 1. Findings of Fact. The above referenced "whereas" clauses are adopted herein as findings of fact.

Section 2. Article II, ADMINISTRATION AND ENFORCEMENT, shall be amended by deleting the current Division 3 and renumbering Division 4 to Division 3 and renumbering sections 2.15 and 2.16 to 2.13. and 2.14, respectively to read as follows:

~~DIVISION 3 – DEVELOPMENT REVIEW COMMITTEE (DRC)~~

~~2.13 – Establishment and composition.~~

~~A. Duties. The DRC shall serve as an advisory body to the building official in the review of both minor and major site and development plans.~~

~~B. Composition. The DRC shall be comprised of the following city staff or consultants:~~

- ~~1. Building official/zoning administrator.~~
- ~~2. Police chief.~~
- ~~3. Fire marshal.~~
- ~~4. City engineer.~~
- ~~5. City planner.~~

~~C. Role of DRC Liaison. The building and grounds liaison shall act as the liaison to the DRC and shall perform the requisite liaison duties for this committee as set forth in section 2-182(1) and section 2-182(4) of the City's Code of Ordinances.~~

~~2.14 – Functions.~~

~~A. The DRC shall meet monthly, or as needed, to discuss major site and development plans pending timely review. DRC members shall provide to the building official, at least one week prior to a scheduled DRC meeting, written comments on any pending major site and development plan(s) forwarded to the member by the building official and be prepared to discuss same at the DRC meeting. DRC meetings shall be chaired by the building official or his designee.~~

~~B. DRC members shall review minor site and development plans referred to them by the building official and provide written comments as to the minor site and development plan's adherence to applicable provisions of the LDC, other city ordinances and principles of the DRC members' areas of expertise. DRC members shall provide to the building official written comments no later than one week after receiving minor site and development plans.~~

~~DIVISION 4~~DIVISION 3 – AMENDING CHAPTER OR COMPREHENSIVE PLAN

~~2.13~~2.15 - Chapter amendments.

~~2.14~~2.16 - Comprehensive plan amendments.

Section 3. Article III, Permits and Development Approvals, Section 3.5, Site Plan Review, of the Holmes Beach Code of Ordinances is hereby deleted in its entirety and replaced with the following:

3.5 Site plan review.

A. General requirements. Except for the construction of one single-family or two-family structure on an individual lot or parcel and associated accessory structures, all land development activities shall

require the submission of a site development plan application in accordance with these provisions. No certificate of occupancy shall be issued for any structure or building unless all facilities included in the approved site plan have been provided in accordance with this ordinance. Site development plan approval does not relieve the applicant of the responsibility to obtain a building permit, or any other permit or approval required by a local, state, or federal agency prior to commencement of construction. Deadlines and notice requirements are provided in business days unless otherwise indicated.

B. Major site development plan applications.

1. Projects requiring a major site plan application. Land development projects which meet any of the following criteria in this subsection shall be required to submit a major site development plan application:

- a. Development of land that is vacant with no existing principal structures;
- b. Residential development or redevelopment involving three or more dwelling units;
- c. New nonresidential building(s);
- d. Expansion of a nonresidential building which increases the gross floor area by more than 1,500 square feet or increases the number of required off-street parking spaces by five (5) or more spaces;
- e. Expansion of a nonresidential building that increases the existing lot coverage, or lot coverage and impervious surface coverage, by more than 20 percent;
- f. An improvement that increases the height of a nonresidential or multi-family building or increases habitable floor area;
- g. A new accessory structure of more than 500 square feet, expansion of an existing accessory structure of more than 500 square feet, or multiple new accessory structures which together exceed 500 square feet.
- h. Any application for a special exception or application impacting a previously approved special exception;

2. Major site development plan application submission requirements. Major site development plan applications shall include the following, as necessary to demonstrate compliance with local, state, and federal requirements for the proposed development:

- a. The location and size of the site, including its legal description and a survey dated within 180 calendar days and certified by a professional land surveyor;
- b. The recorded ownership interests, including liens and encumbrances and the nature of the developer's interest, if the developer is not the owner;
- c. The relationship of the site to existing development in the area, including streets, utilities, drainage and water retention, residential and commercial development, and any other pertinent physical features of the land, including soil suitability and relevant ecological features;
- d. The density of residential land use and intensity of non-residential land use to be allocated to all parts of the site to be developed or redeveloped, together with tabulations by acreage and percentages thereof;
- e. The location, size and character of all recreational open space and the form of the organization proposed for ownership and maintenance thereof if same is not to be dedicated to the public;

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- f. The use and approximate height, dimensions, and location of all buildings and other structures; and compliance with ADA requirements;
 - g. All covenants, grants of easements, or other restriction proposed to be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities;
 - h. The provisions for the parking of vehicles and the location and width of driveways and other vehicular and pedestrian ways, including, without limitation, ADA compliant facilities;
 - i. The provisions for the disposition of open space, including recreational open space;
 - j. A landscaping plan prepared in accordance with the provisions of this land development code;
 - k. The City shall regulate traffic concurrency through the Sarasota/Manatee Metropolitan Planning Organization's Traffic Impact Study Methodology and Guidelines, or an alternative City approved traffic methodology. This document together with the City of Holmes Beach Comprehensive Plan shall be referred to for the purpose of identifying the City's adopted level of service standards.
 - l. Proof that the development is in compliance with all state and federal regulations pertaining to species of special status as required under the Florida Endangered and Threatened Species Act of 1977 and the Federal Endangered Species Act of 1973, where necessary as determined by the Planning and Zoning Administrator; and
 - m. A required fee for major site plan review in the amount specified in the Master Fee Schedule, as amended from time to time.
3. Major site development plan application review procedures. The review procedure for a major site development plan application shall be as follows:
- a. Prior to the submission of any application for a major site development plan, a pre-application meeting must be scheduled with the Planning and Zoning Administrator at City Hall.
 - (1) Pre-application meetings may be scheduled with the Development Services department. At time of scheduling, the location and a brief description of the proposed development shall be provided by the applicant.
 - (2) The Planning and Zoning Administrator may request any City staff member to attend the pre-application meeting and shall arrange for the meeting with the applicant.
 - (3) The procedures for processing and the necessary application forms will be discussed at the pre-application meeting.
 - b. Upon receipt of an application, the City shall confirm receipt of the application, including the date and time the application is received.
 - c. Upon initial receipt of an application, the City will have up to 20 days to review the application to determine if the application is complete, including whether a pre-application meeting has been held and if the application contains the required materials in the required form.
 - (1) If the application is determined to be complete, the application will be found sufficient for review and the applicant will be notified in writing.

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- (2) If the application is determined to be incomplete, the City shall provide the applicant a brief written explanation as to why the application is insufficient for review and request the necessary additional information to be resubmitted to the City within 20 days.
- d. Once an application has been determined to be complete, the Planning and Zoning Administrator shall provide all comments in writing to the applicant within 30 days of receipt of the most recent application submittal.
- e. After the transmission of written comments to the applicant, the applicant shall have 60 days to submit supplemental or corrected materials to remedy noted deficiencies, unless a longer time is agreed to in writing by the Planning and Zoning Administrator or designee and the applicant prior to the expiration of the 60 days. If the supplement or corrected materials are not submitted within the 60 days (or other time period as agreed to) the application will be deemed withdrawn and any new consideration will require a new application
- f. If the applicant has made at least two (2) bona fide attempts to submit supplemental or corrected materials in response to the City's written comments or the applicant disputes that additional supplemental documents or information is required, the applicant may submit a written notice terminating the review process. Termination of the review process does not remove the burden on the applicant to prove that the application is consistent with all applicable local, state, and federal regulations and meets applicable criteria.
- g. Upon determination that the application meets all applicable regulations or notice by the applicant to terminate the review process, the Planning and Zoning Administrator or designee shall prepare the city's staff report, findings, and recommendation(s) for submittal to the City Commission for review at a public hearing.
- h. The City Commission shall hold a properly noticed public hearing on the major site development plan application and based on the evidence presented, take one of the following actions:
- (1) Approve as submitted;
 - (2) Approve with changes and/or stipulations;
 - (3) Deny the application.
- i. The action taken by the City Commission shall be reduced to writing, a copy of which shall be transmitted to the applicant within fifteen (15) days of the date of the decision by the City Commission, and shall include the reasons for approval, inclusion of changes and/or stipulations, or reasons for denial.
- j. If a site development plan application is approved or approved with changes and/or stipulations by the City Commission, it shall be done by resolution to include the final site plan as approved, including all changes and stipulations. If the mayor does not sign such resolution within ten (10) days immediately following commission approval, signature of the chairman of the commission alone on such resolution shall be deemed sufficient for all purposes.
- k. The applicant must sign the resolution adopted by the City Commission approving the site plan within 30 days after the effective date of the resolution and record the resolution with the clerk of circuit court within 45 days of the effective date. Failure to sign and record the resolution as required herein will render the site plan approval null and void.

4. A building permit must be applied for within 180 calendar days of the effective date of the resolution. Extension requests may be approved by the City Commission. Failure to obtain a building permit as required by this section will render the site plan null and void. Once the building permit is issued, reasonable continuous progress on the principal structures must be demonstrated. The site plan will also be deemed null and void if an active building permit is not maintained on the property in accordance with the Florida Building Code.

C. Minor site development plan applications.

1. Projects qualifying for a minor site development plan application. Land development projects which do not meet the thresholds requiring major site plan review may be approved through the minor site development plan review process.

2. Minor site development plan application submission requirements. Minor site development plan applications shall include all information listed for major site development plan applications, as necessary to demonstrate compliance with local, state, and federal requirements for the proposed development or redevelopment.

3. Minor site development plan application review procedures. The review procedure for a minor site development plan application shall be as follows:

a. A pre-application meeting shall be requested with the Planning and Zoning Administrator at City Hall.

(1) Pre-application meetings may be scheduled with the Development Services department. At time of scheduling, the location and a brief description of the proposed development shall be provided by the applicant.

(2) The Planning and Zoning Administrator may request any City staff member to attend the pre-application meeting and shall arrange for the meeting with the applicant.

(3) The procedures for processing and the necessary application forms will be discussed at the pre-application meeting.

b. Upon receipt of an application, the City shall confirm receipt of the application, including the date and time the application is received.

c. Upon initial receipt of an application, the City will have up to 20 days to review the application to determine if the required materials, in the required form, have been included in the application.

d. If the required materials have been properly submitted, the application will be found sufficient for review. The city will notify the applicant in writing that the application is complete.

e. If the required materials have not been properly submitted or resubmitted, the City must provide the applicant a brief written explanation as to why the application is not complete for review and request the necessary additional information within 20 business days of the date the application is initially submitted, or additional information is resubmitted.

f. Upon determination of application completeness, the Planning and Zoning Administrator will distribute application materials to City staff members for their review. City staff members shall provide written comments to the application materials to the Planning and Zoning Administrator within 20 days of receipt of the application from the Planning and Zoning Administrator. City staff member comments shall indicate whether the application is sufficient or whether there are deficiencies to local, state and federal requirements as they relate to their area of expertise.

- g. The Planning and Zoning Administrator shall provide all staff comments in writing to the applicant or notify the applicant that the application is approved within 30 days of receipt of the most recent application submittal.
 - h. After notice of incompleteness or insufficiency, the applicant has 60 days to submit supplemental or corrected documents, unless a longer time is agreed to in writing by the Planning and Zoning Administrator or designee and the applicant prior to the expiration of the 60 days. If the supplement or corrections are not submitted within the 60 days (or other time period agreed to) the application will be deemed withdrawn.
 - i. If the applicant has made no less than two bona fide attempts to submit supplemental or corrected documents in response to the City's insufficiency notices and the applicant disputes that additional supplemental documents or information is required, the applicant may submit a written notice to terminate the sufficiency review process and seek site plan approval from the City Commission at a public hearing through the procedures for City Commission approval of major site plan approval. At that time, the City must proceed with preparation of the staff report, findings, and recommendations and submit to the City Commission for review at a public hearing. Termination of the sufficiency review process will not terminate the need for the applicant to meet its burden to prove that the application is consistent with city regulations.
4. A building permit must be applied for within 180 calendar days of the date of approval of the minor site development plan application. Upon written request of the applicant, the Planning and Zoning Administrator can extend this time frame for one additional 90-day period. Extension requests for a longer time period may be approved by the City Commission. Failure to obtain a building permit as required by this section will render the site plan null and void. Once the building permit is issued, reasonable continuous progress on the principal structures must be demonstrated. The site plan will also be deemed null and void if an active building permit is not maintained on the property in accordance with the Florida Building Code.
- D. Resubmission after denial. An application for a major site development plan application may not be resubmitted for consideration for a period of 180 calendar days after the date on which the application for site plan review has been denied by the City Commission or the date on which is was approved, if the applicant fails to record the resolution of approval pursuant to this ordinance.
- E. Site Plan Amendments. Amendments to approved site plans shall be processed in accordance with the provisions of this ordinance, including the thresholds for major site development plan applications.
- F. Appeals. Any person or party aggrieved by a determination by the Planning and Zoning Administrator or the City Commission may appeal such decisions as set forth in Division 1 of the Land Development Code.

Section 4. Article VI, Section 6.6, District Regulations, of the Holmes Beach Code of Ordinances is hereby amended as follows:

6.6 District regulations.

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D. *R-3, Medium density residential district.*

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n. Special review standards. A major site and development plan for multi-family residential development at a density in excess of 9.5 units/acre in the R-3, R-4, and A-1 districts shall be approved only if the site plan:

- (1) Reflects a creative approach for development/redevelopment;
- (2) Provides more open space than that called for by the strict application of the minimum requirements of the land development regulations;
- (3) Reflects a harmonious development of the site with the surrounding areas and community facilities; and
- (4) Provides for safe and efficient internal and external traffic circulation.

E. *R-4, Medium density residential district.*

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n. Special review standards. A major site and development plan for multi-family residential development at a density in excess of 9.5 units/acre in the R-3, R-4, and A-1 districts shall be approved only if the site plan:

- (1) Reflects a creative approach for development/redevelopment;
- (2) Provides more open space than that called for by the strict application of the minimum requirements of the land development regulations;
- (3) Reflects a harmonious development of the site with the surrounding areas and community facilities; and
- (4) Provides for safe and efficient internal and external traffic circulation.

F. *A-1, Multifamily residential/seasonal tourist district.*

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1. Special review standards. A major site and development plan for multi-family residential development at a density in excess of 9.5 units/acre in the R-3, R-4, and A-1 districts shall be approved only if the site plan:

- (1) Reflects a creative approach for development/redevelopment;
- (2) Provides more open space than that called for by the strict application of the minimum requirements of the land development regulations;
- (3) Reflects a harmonious development of the site with the surrounding areas and community facilities; and
- (4) Provides for safe and efficient internal and external traffic circulation.

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6.7 Supplementary use regulations.

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GG. Requirements of dedication or reservation of recreation/open space by developer: New residential developments or redevelopments shall provide for the recreation/ open space needs generated by said development, as required by the comprehensive plan and as set forth herein.

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- a. Purpose and standards. The purpose of this requirement is to provide adequate active recreational facilities and open space to serve the residents of the immediately surrounding neighborhood within the development. Each development shall satisfy this requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development and shall be subject to site plan review. The property utilized to satisfy this requirement will be attractively landscaped and shall be provided with sufficient natural or manmade screening or buffer areas to minimize any negative impacts upon any adjacent residences.
 - b. Amount. All new residential development and redevelopments shall provide, through payment of a fee as outlined in paragraph 10c., below or dedication or reservation as outlined in paragraph 10d., below, recreational open space in an amount equal to 0.0025 acres (108.9 square feet) per person expected to reside in that development. For purposes of this section, one-bedroom dwelling units shall be deemed to house an average of 1.4 persons, two-bedroom units shall be deemed to house an average of 2.2 persons, three-bedroom units shall be deemed to house an average of 3.2 persons and units with four or more bedrooms shall be deemed to house an average of 4.0 persons.
 - c. Fee in lieu of dedication or reservation. The City Commission recognizes that any such recreational/open space area must be of a certain minimum size to be usable and that any such designated area will not serve its intended purpose unless properly maintained. Therefore, for those residential developments and redevelopments that are small enough so that the amount of required recreational/open space area does not exceed 2,000 square feet, the city, at its discretion, may require the developer to pay a fee equal to the fair market value of the land which is required to be dedicated pursuant to this section. Any funds collected by the city pursuant to this section will be utilized to meet the recreational requirements of the comprehensive plan.
 - d. Public dedication or private reservation. Any recreational/open space area provided in compliance with this requirement which is dedicated to the public shall be rezoned as a REC-2 public recreation open space district, and any recreation/ open space area so provided which is held by private reservation for the use of residents of a particular development shall be so designated on the site plan and may, at the option of the developer, be rezoned as a REC-1 private recreation open space district.

Section 5. If any word, portion, clause, or other part of this ordinance is deemed unconstitutional or unenforceable for any reason, such portion shall be severed from this ordinance and the remaining portions thereof shall be unaffected thereby.

Section 6. This ordinance shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Holmes Beach.

PASSED AND ADOPTED, by the City Commission of the City of Holmes Beach, Florida, in regular session assembled, this _____ day of _____, 2025.

First Reading: _____

Publication Date: _____

Second Reading and Public Hearing Date: _____

Terry Schaefer

Carol Soustek

Pat Morton

Dan Diggins

Carol Whitmore

APPROVED BY ME THIS _____ DAY OF _____, 2025

Judy Titsworth, Mayor

ATTEST: _____
Stacey Johnston, MMC, City Clerk