

FILED  
2009 MAR -3 AM 9:30  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**AN ORDINANCE OF THE COUNTY COMMISSION  
OF CALHOUN COUNTY, FLORIDA, AMENDING  
ORDINANCE 84-3, ARTICLE IV, REGARDING  
EXISTING SUBDIVISIONS; PROVIDING FOR  
CONFLICTS; PROVIDING FOR SEVERABILITY;  
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Calhoun County, Florida, has determined that Ordinance 84-3 as amended does not meet the growth needs of Calhoun County and should be amended,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF CALHOUN COUNTY, FLORIDA, that:

**SECTION I. ARTICLE IV: EXEMPT SUBDIVISIONS** shall be amended to read as follows:

An applicant may petition the Planning Commission for an exemption from the Platting Process by filing an application with the building official seeking exemption. In order to be considered for exemption the tract of land shall meet all of the following criteria:

- a. The parcel of record may not be divided into more than eight (8) parcels.
- b. All parcels shall abut a public right of way
- c. No parcel shall be land than ten (10) acres in size, except family homestead property conveyed to grand-parents, parents, children and/or grand-children – said parcels must be a minimum of one acre.
- d. To the extent that the parcel of record abuts a public road right of way or rights of way, and said public road right of way or right of ways does not meet the requirements of Calhoun County's Comprehensive Plan and/or the Calhoun County Land Development Regulations, the applicant shall deed or convey to the County one-half of the right of way necessary to bring said public road right of way(s) into compliance with the Calhoun County Comprehensive Plan. To the extent said public right of way(s) is entirely contained in parcel of record, the applicant shall deed or dedicate all of the right of way(s) necessary to bring said road into compliance with the Calhoun County Comprehensive Plan and the Calhoun County Land Development Regulations.
- e. The applicant shall provide necessary access and/or right of way for utilities.
- f. The applicant shall present a map, which is drawn to scale, identifies any public road right of way and indicates the bearing or north and details the exemption including that portion of the public road frontage, which abuts the public road. A survey of the road

right of way(s) dedication and proof of road right of way(s) dedication to the county shall be presented prior to the sale of any portion of the exempt property. Upon the sale of a portion of the exempt property, a survey shall be presented which depicts that portion of the exempt property constituting the property sold.

- g. The proposed division of land does not create or incorporate any road, which is not a public road.
- h. No portion of the subject exempt property may be located in a flood plain or contain wetlands unless subject exempt property meets all the requirements of the Calhoun County Comprehensive Plan and the Calhoun County Land Development Regulations.
- i. Once the exemption is utilized with respect to the tract of land, no portion of such tract of land may seek the exemption in the future.
- j. Each tract of land sold under this exemption process must meet the requirements of the Calhoun County Comprehensive Plan and Land Development Regulations prior to development. No rights in conflict with the Calhoun County Comprehensive Plan and the Calhoun County Land Development Regulations are granted by virtue of the adoption of the ordinance other than exemption from the platting process for parcels meeting all of the requirements of this ordinance.
- k. A tract of land shall not be excluded for application due to a prior division of said tract, if the prior division was to a family member and the division took place prior to the application for exemption and provided that the remaining tract is capable of division as set forth herein. The tracts deeded to family members may be less than ten acres but must be at least one acre and transferred for the intent of establishing a homestead or expanding a homestead.

### **SECTION III. CONFLICTS.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Calhoun County Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

### **SECTION IV. SEVERABILITY.**

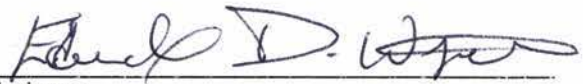
If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

### **SECTION VI. EFFECTIVE DATE.**

This Ordinance shall take effect upon its passage as provided by law.

PASSED by the Board of County Commissioners of Calhoun County, Florida, on the 17<sup>th</sup> day of February, 2009, after due public notice, by a vote of 5 to 0.

CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS

BY:   
Chairman



ATTEST:   
RUTH ATTAWAY, Clerk