

**ORDINANCE NO. 2023-02**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, AMENDING THE PRIOR ADOPTED LAND DEVELOPMENT REGULATION, SPECIFICALLY CHAPTER VII, SECTION 7.02.01 CONCERNING ACCESSORY APARTMENTS, THE PURPOSE OF WHICH IS TO PROVIDE FOR INEXPENSIVE HOUSING UNITS TO MEET THE NEEDS OF ELDER HOUSEHOLDS, MAKING HOUSING AVAILABLE TO ELDERLY PERSONS WHO MIGHT OTHERWISE HAVE DIFFICULTY FINDING HOMES; AMENDING THE PRIOR ADOPTED LAND DEVELOPMENT REGULATION, SPECIFICALLY CHAPTER X, SECTION 10.05.01 CONCERNING MINOR REPLATS AND LOT SPLITS, IMPLEMENTING REVIEW BY THE BOARD OF COUNTY COMMISSIONERS; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith, PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, 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"; and

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

**WHEREAS**, Except as specifically provided in the provisions of the Code, this Amendment 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.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Holmes County, Florida, the Code shall be amended as follows:

FIRST: Subparagraph 4, of Section 7.02.01B shall be deleted in its entirety, and Section 7.02.01 shall read as follows:

*A. Purpose*

*The purpose of this section is to provide for inexpensive housing units to meet the needs of elder 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.*

SECOND: Subparagraph A, of Section 10.05.01 shall be deleted in its entirety, and Subparagraph A of Section 10.05.01 shall read as follows:

*A. Generally*

*The Board of County Commissioners may approve a minor replat that conforms to the requirements of this Section.*

THIRD: A new Subparagraph C shall be added to Section 10.05.02, which shall read as follows:

*C. Exemptions*

*The following lot splits shall be excluded from the submittal and recordation requirements of this section. In no case shall a lot split be permissible that would be in conflict with the minimum lot size or minimum lot frontage requirements for the respective land use district which it is designated.*

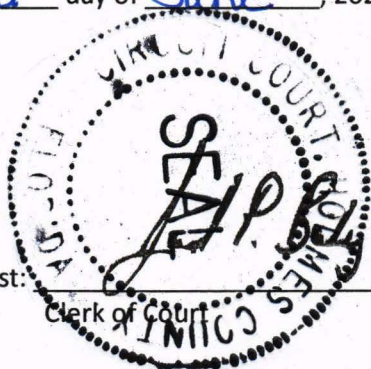
1. *Division of land among immediate family members.*
2. *Existing Lots of Record that are split by publicly owned and maintained man-made features such as roadways, railroads, watercourses, etc. shall be exempt from the requirements of this section. The portions of the property which are divided by the public improvement shall be deemed individual Lots of Record in regard to lot splits and/or minor replats; therefore, separating these properties would not count as the single lot split allowed for the parent tract according to 10.05.02(B).*
3. *Existing Parcel IDs that are not contiguous shall be exempt from the requirements of this section. The tracts shall be deemed individual Lots of Record in regard to lot splits and/or minor replats; therefore, separating these properties would not count as the single lot split allowed for the parent tract according to 10.05.02(B).*

If any provision of this Amended Code Section or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Amended Code Section which can be given effect without application of the invalid provision, and those provisions of the Amended Code Section are declared severable.


This Amendment shall become effective upon its adoption on this 6<sup>th</sup> day of June, 2023.

APPROVED and ADOPTED by a majority of the Board of County Commissioners of Holmes County, Florida this 6<sup>th</sup> day of June, 2023.

Attest:



BOARD OF COUNTY COMMISSIONERS OF  
HOLMES COUNTY, FLORIDA

  
Earl Stafford, Chairman

