



DeSoto County

Planning Commission

Meeting Agenda

Tuesday, December 2, 2025

5:30 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SET OR AMEND THE AGENDA

PUBLIC FORM FOR NON-AGENDA ITEMS

PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION

1. Proof of Publication

[25-1439](#)

Sponsors: Administrator

Attachments: [Legal Ad Publishers Affidavit](#)
[Legal Ad Tear Sheet TheDailySun_20251121_A04](#)

MEETING MINUTES

2. Planning Commission meeting minutes from November 4, 2025

[25-1438](#)

Sponsors: Administrator

Attachments: [11-04-2025 PC Meeting Minutes-Draft](#)

DEVELOPMENT DIRECTOR COMMENTS

ACTION ITEMS

3. Ordinance Creating Section 20-233 Family Homestead Exemption of the LDR (LDR-0011-2025)

[25-1440](#)

Sponsors: Administrator

Attachments: [2025-11-25 Final SR for PC](#)
[Resolution #2025-068](#)
[FDC 2025-10-09 No Comment Response](#)
[2025-11-25 Final Ordinance for PC](#)

PLANNING COMMISSION MEMBER REMARKS**NEXT MEETING****ADJOURNMENT**

NOTE: For quasi-judicial matters, any party desiring a verbatim record of the proceeding of this hearing for the purpose of an appeal is advised to make private arrangements for the production of a

record and anyone wishing to present documents or other written evidence to the Board must provide

eight (8) copies of the written material. If special accommodations are required in accordance with

the Americans with Disabilities Act, individuals should contact the County Administrator's Office by

calling 863-993-4800 at least forty-eight hours prior to the hearing.



DeSoto County

12/2/2025

Item #: 1.

- ☐ Consent Agenda ☐ Quasi-Judicial Public Hearing
☐ Regular Business 5:30 pm
☒ Public Hearing Proof of Publication

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Bill Martin

TITLE & DESCRIPTION:

Proof of Publication

REQUESTED MOTION:

A motion to approve the proof of publication that ran Friday, November 21, 2025

SUMMARY:

Legal ad ran in the Your son newspaper on Friday, November 21, 2025 noticing the LDR amendment creating section 20-233 Family Homestead Exemption & the transmittal for a Comp Plan amendment.



Ticket: 3975931-1
PC 12.2, BOCC 12.16
3 x 9
Laura McClelland
Publish: 11/21/25
379254 3975932

**PUBLISHER'S AFFIDAVIT OF
PUBLICATION STATE OF FLORIDA COUNTY
OF CHARLOTTE:**

Before the undersigned authority personally appeared Amber Douglas, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

11/21/25

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

Sworn and subscribed before me this 21st day of
November, 2025

(Signature of Notary Public)



Personally known X OR Produced Identification

Flooded/from A1

to hold the barriers in place during Hurricane Helene last year.

As a result, the couple and many other businesses in the center were denied claims by their insurance companies. Months later, the city paid \$55,000 to help replace dry-wall and do other repairs to the couple's units.

This year, the city bought a Tiger Dam inflatable barrier in preparation for future hurricanes. The couple said that's not enough of a guarantee they won't flood again.

"No one from the city has come to speak to us about improvements to the building," Patti Haley-Herndon said. "If we stay in this location, we are afraid we would be completely done."

Stephan Herndon said the city's barriers are still missing pieces.

"You are welcome to go inspect them," he said.

City Council member Janis Denton asked the couple what they did to protect their businesses.

Herndon said he sealed the doors shut but the water came in under the barricades.

"It was a river that came into the units," he said.

Patti Haley-Herndon said while they were preparing to reopen



SUN PHOTO BY ELAINE ALLEN EMRICH

Patti Haley-Herndon and her husband, Stephan, ask the Punta Gorda City Council to terminate the lease of two city-owned units at Herald Court in downtown Punta Gorda.

months later, their unit was burglarized. The couple filed a police report citing \$10,000 in stolen chocolate.

Denton asked if the couple considered relinquishing the lease after the floods. She said it would have been cheaper to do it then.

"It's a lot of money, you want forgiveness of several months of rent," she said. "But, now we are having to rent it out. I don't feel right (absorbing) more loss. But, I don't love the situation you are in."

Mayor Debi Lux asked if the couple tried to sublease the two units to another business.

"My understanding is the city was looking to take over these

locations so it would go back to the city," Haley-Herndon said.

Lux said it was just a discussion.

"But did you try to get anyone else in there?" she said.

Haley-Herndon said in March she sent a letter to the city explaining her concerns. She said they intended to relocate to higher ground in the city.

City Manager Melissa Reichert said she never received the letter.

Lux said the couple should have followed up with the city before moving out.

"A lease is a lease," she said.

Interim City Attorney Steve Leskovich said the lease is vague, which is helpful to the business

owners. But, he said, it's also clear it could be legally enforced in court.

Lockhart said she didn't want the city to go to court over the lease. She said the couple poured money into the community for years.

Lockhart said she would have felt differently if they were a new business and didn't do their homework and know the downtown floods. However, the couple did everything they could to protect their assets but still lost everything.

"They have been through enough," City Council member Greg Julian said.

Lockhart agreed.

"Are we trying to be supportive of businesses in Punta Gorda or are we trying to bankrupt them?" Lockhart asked. "None of us were prepared for the devastation that happened. It's time to wave the slate clean."

Lockhart made a motion to have the couple pay the property taxes on both units totaling \$855 and to terminate the lease.

City Council member Jeannine Polk recused herself because her son is a contractor working on the building.

Only Julian and Lockhart voted making it a 2-2 vote. The motion failed.

Denton made a motion to keep the security deposit, which was one-month's rent and to pay the \$855 in taxes, and to end the lease.

The motion passed unanimously with Polk abstaining.

The couple told *The Daily Sun* they were glad it's over.

"We want to put this behind us and move forward," Patti Haley-Herndon said.

After Thanksgiving, Punta Gorda Chocolate & Wine will open in the old SunTrust building at 1107 W Marion Ave., No. 119.

While they are closed, they have a selection of wine, cheese and chocolates at their table at the Punta Gorda Farmers Market on Saturdays.

During councilmember comments, Polk suggested the city use a listing agent to advertise the three vacant units.

Denton suggested the city raise the rent slightly on the flood-prone units to help make up for the loss in revenue.

Polk said the city may eventually need a property management company to run Herald Court. It's was suggested three years ago by former City Council member Bill Dryburgh while discussing the condition of Herald Court and the nearby parking garage.

Appeals/from A1

known was West Villages.

WV4RG wanted Wellen Park to be deannexed and return to being unincorporated Sarasota County. The group sued the city in 2020.

NORTH PORT STATEMENTS

On Wednesday, North Port's Deputy City Attorney Michael Golen sent an email to city staff updating the information from the District Court of Appeals.

"The DCA has concluded that when the Commission voted to deny the petition for contraction, the

Commission was acting in its legislative capacity and the petitioners cannot challenge legislative action," Golen stated in his email.

That meant, according to the email, a circuit court had no purview in the original decision.

"The DCA agreed with the city that the petitioners had no statutory right to challenge the Commission's decision because that right had expired and was the only way to challenge a decision under the annexation/contraction statutes,"

Golen said there is "no avenue for petitioners to overturn the Commission's

rejection of their petition for contraction."

And that, Golen said, "effectively precludes petitioners from filing any other action challenging the rejection going forward," the email stated.

The WV4RG has about a month to appeal to the Florida Supreme Court.

Golen stated in the email that it is "unlikely the Supreme Court will accept jurisdiction of this case as such requests are infrequently granted."

If the required notice is filed to the Supreme Court, Golen stated, the city will "file a brief to

address whether the Court has jurisdiction, and, if so, whether it should exercise its discretion to hear the appeal."

"If nothing is filed with the Supreme Court, the DCA's decision will be final and not subject to further challenge," Golen stated in the email.

"The only step remaining will be for the circuit court judge to enter an order dismissing the case pursuant to the DCA's opinion. Once the circuit court enters its order, the litigation is officially over," Golen said in an email.

North Port issued an statement late Wednesday.

"The city has remained confident in its position throughout this case, and the court's latest ruling affirms that position once again," it stated.

It recognized those challenging the annexation may have a "genuine concern"

for their community, but noted it has been a "long and extremely costly" dispute for North Port taxpayers.

"With today's decision, it's time to close a divisive chapter and focus our collective energy where it belongs — on the future of our growing city," it stated.

"We invite the West Villagers group, and all our neighbors, to join us in a renewed spirit of collaboration so we can work together on the opportunities and challenges ahead for North Port."

So far, North Port has spent about \$225,000 on legal costs for the deannexation case.

Additionally, officials said, North Port also spent about \$74,000 for the "City Boundaries Feasibility Study" conducted in response to the deannexation petition. Those figures, officials say, do not

account for staff time used over the years as well.

JOHN MEISEL STATEMENT

Meisel stated in a message to *The Daily Sun* that the WV4RG will ponder taking the case to the Florida Supreme Court.

"While disappointed, we are not surprised that the 2nd DCA would not acknowledge their prior erroneous ruling and instead rule that they do not have jurisdiction to review 12th Circuit Court ruling," Meisel stated in a text message.

"This is the same court that upheld a prior ruling against the City of North Port for exactly the same action," Meisel added. "We are going to analyze the ruling and make a determination if an escalation to the Florida Supreme Court is warranted."

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NOTICE Declaration of Phase I Water Shortage

The District's Governing Board has approved Water Shortage Order No. SWF 25-015. A Phase I water shortage is in effect Dec. 1, 2025 through July 1, 2026 Districtwide.

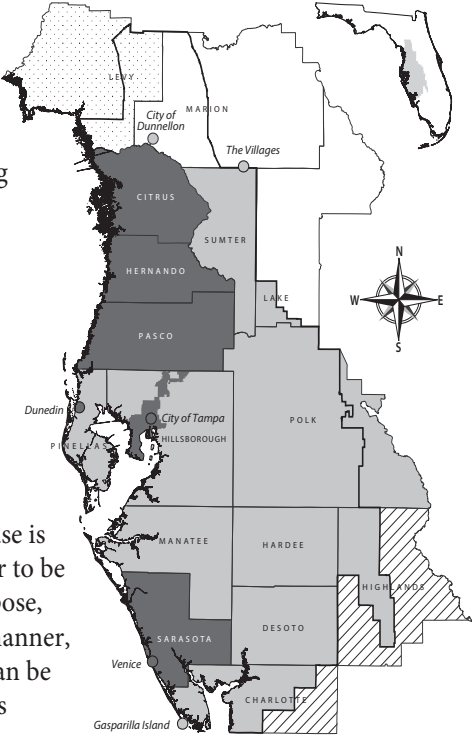
WHAT DOES THIS MEAN?

Water resource conditions are below normal and may get worse before they start to improve. In addition to alerting the public, conditions warrant requiring water utilities to take certain actions.

SUMMARY OF RESTRICTIONS & OTHER REQUIREMENTS:

Effective Dec. 1, 2025

- Everyone must continue following current lawn and landscape irrigation restrictions for their community
- "Wasteful and Unnecessary" water use is prohibited, including: allowing water to be dispersed without any practical purpose, using water in a grossly inefficient manner, and using water for a purpose that can be readily accomplished by other means
- Water utilities, in consultation with applicable local enforcement agencies, must:
 - Review, update and implement enforcing year-round and water shortage restrictions
 - Report information to the District regarding violations involving a Water Use Permit holder
 - Respond to residential and other enforcement referrals made by the District
 - Transmit enforcement data to the District on a monthly basis
 - Inform customers about the declaration, local supplies and water conservation opportunities
 - Address inquiries from the District and citizens about line flushing and disinfection activity



- District's boundary line
 - District's Year-Round Water Conservation Measures (twice-per-week)
 - Local Once-Per-Week Watering Restrictions
 - Continue following restrictions from St. Johns River WMD
 - Continue following restrictions from Suwannee River WMD
 - ▨ Continue following restrictions from South Florida WMD
- Southwest Florida Water Management District

ANY QUESTIONS?

- Visit the District's website at WaterMatters.org/Restrictions for more information.
- Send an inquiry to Water.Restrictions@WaterMatters.org at any time.
- Call (813) 856-5679 during business hours.

This advertisement is only a summary of Order No. SWF 25-015.

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only); or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at WaterMatters.org/ADA.

adno=3975930-1

NOTICE OF PUBLIC HEARING

Notice is hereby given that the below ordinance(s)/resolution(s) will be considered at the regularly scheduled Public Hearings/Meetings of the Planning Commission (PC), sitting as the Local Planning Agency, and Board of County Commissioners (Board) on the dates and times listed below, or as soon thereafter, as they may be heard on those dates. All public hearings will be held in the County Commission Meeting **Room 103, Administration Building, 201 E. Oak Street, Arcadia, Florida**. Copies of the applications and staff reports are available at the Development Department Room 204, Administration Building, 201 E. Oak Street, Arcadia, Florida five days prior to the meeting dates and are available on the County's website at www.desotobocc.com under Department News and News & announcements. Members of the public may appear and be heard on the matters to be considered. Pursuant to Section 286.0105, F.S., if you want to appeal any decision of the Planning Commission or Board, you will need a record of the proceedings, and for such purpose, you may need to arrange for a verbatim transcript to be prepared.

PLANNING COMMISSION: (PC) Tuesday, December 2, 2025 at 5:30 PM
BOARD OF COUNTY COMMISSIONERS: (Board) Tuesday, December 16, 2025 at 3:00 PM

1. Ordinance, Creating Section 20-233 Family Homestead Exemption of the Land Development Regulations (County Initiated)
PC 12-2-25 at 5:30 PM & Board 12-16-25 at 3:00 PM

AN ORDINANCE OF DESOTO COUNTY, FLORIDA, CREATING SECTION 20-233 "FAMILY HOMESTEAD EXEMPTION," TO ARTICLE III "SUBDIVISION PROCEDURES" OF CHAPTER 20 OF THE COUNTY'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REQUIREMENTS WHEN SUBDIVIDING LAND UNDER THE FAMILY HOMESTEAD EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

2. Resolution, Comprehensive Plan Amendment Transmittal (COMP-0015-2025)
PC 12-2-25 at 5:30 PM & Board 12-16-25 at 3:00 PM

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING FOR TRANSMITTAL TO ALL REQUIRED ENTITIES A PROPOSED TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT TO THE DESOTO COUNTY COMPREHENSIVE PLAN TO AMEND POLICY 1.1.2, THE LAND USE SUMMARY TABLE AND POLICY 1.1.3 AND POLICY 1.1.4, RELATED TO DENSITY AND INTENSITY BONUS CRITERIA AND ADDING AN EXISTING OVERLAY TO THE TABLE; TO AMEND OBJECTIVE 1.9, POLICY 1.9.1, 1.9.2, AND 1.9.8 CORRECTING THE NAME OF THE URBAN CENTER MIXED USE LAND USE DESIGNATION FOR CONSISTENCY; TO AMEND POLICY 1.9.3 RELATED TO DENSITY FOR CONSISTENCY; TO AMEND POLICY 1.4.3, 1.5.3, 1.6.5, AND 1.9.4 RELATED TO UTILITY CONNECTION REQUIREMENTS; TO MAKE CONSISTENT POLICY 1.6.9 WITH LAND DEVELOPMENT REGULATIONS; TO CREATE NEW POLICY 1.6.13 IN THE NEIGHBORHOOD MIXED USE FUTURE LAND USE CATEGORY AND POLICY 1.9.9 IN THE URBAN CENTER MIXED USE FUTURE LAND USE CATEGORY TO CREATE NEW BONUS DENSITY MAXIMUMS FOR WORKFORCE AND AFFORDABLE HOUSING DEVELOPMENTS; TO CREATE NEW POLICY 1.9.10 IN THE URBAN CENTER MIXED USE FUTURE LAND USE CATEGORY TO CLARIFY THE EXISTING BASE AND BONUS INTENSITY MAXIMUMS; TO CREATE NEW POLICY 1.14.9 TO PROVIDE CLARITY ON COMPATIBILITY; CREATING DEFINITIONS TO IMPLEMENT THE AFOREMENTIONED AMENDMENTS; TO PROVIDE CLARIFICATION OF COMPATIBILITY REQUIREMENTS; AND OTHER RELATED MINOR CHANGES; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLISH: AS DISPLAY AD Friday, November 21, 2025

adno=3975931-1



DeSoto County

12/2/2025

Item #: 2.

- ☐ Consent Agenda ☐ Quasi-Judicial Public Hearing
☐ Regular Business 5:30 pm
☒ Public Hearing Minutes

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Bill Martin

TITLE & DESCRIPTION:

Planning Commission meeting minutes from November 4, 2025

REQUESTED MOTION:

A motion to approve the Planning Commission meeting minutes from November 4, 2025.



DeSoto County

Planning Commission

Meeting Minutes - Draft

Tuesday, November 4, 2025

5:30 PM

CALL TO ORDER

Chairperson Bill Martin called the meeting to order at 5:30pm.

PLEDGE OF ALLEGIANCE

Chairperson Bill Martin, led the pledge of allegiance.

ROLL CALL

Present	Chairperson Bill Martin, Council Member Erik Howard, Council Member Lynn Banish, Council Member Allen Reesor, and Council Member Theresa Collins-Hill
Excused	Ex officio LPA school board appointee Jami Schueneman

SET OR AMEND THE AGENDA

A motion was made by Council Member Banish, seconded by Council Member Reesor, that the agenda be set as presented. The motion carried by the following vote:

Aye:	Chairperson Martin, Council Member Howard, Council Member Banish, Council Member Reesor, and Council Member Collins-Hill
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PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION

1. Proof of Publication

Attachments: [Legal Ad Publisher Affidavit](#)
 [Legal Ad Tear Sheet](#)

A motion was made by Council Member Reesor, seconded by Council Member Banish, that this Proof of Publication be approved. The motion carried by the following vote:

Aye:	Chairperson Martin, Council Member Howard, Council Member Banish, Council Member Reesor, and Council Member Collins-Hill
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PUBLIC FORM FOR NON-AGENDA ITEMS

None

MEETING MINUTES

2. Planning Commission Meeting Minutes from October 7, 2025

Attachments: [10-7-2025 PC Meeting Minutes-Draft](#)

A motion was made by Council Member Banish, seconded by Council Member Reesor, that this Minutes be approved. The motion carried by the following vote:

Aye: Chairperson Martin, Council Member Howard, Council Member Banish, Council Member Reesor, and Council Member Collins-Hill

DEVELOPMENT DIRECTOR COMMENTS

Planning Director Misty Servia welcomed Ms. Teresa Collins Hill as the newest member of the Planning Commission. She recommended that the Board discuss and select a date to attend training on the Florida Sunshine Law. Ms. Servia also announced that elections for Chairman and Vice Chairman will be held next month. She concluded by expressing her sincere appreciation to the commissioners for their dedicated service.

ACTION ITEMS

Valerie Vicente County Attorney explained county procedures for Quasi-Judicial. The Clerk administered the Oath to all who wished to speak at the hearing.

**3. Resolution / Mt. Ephraim Baptist Church, Inc. / Special Exception
(USE-0193-2024)**

Attachments: [2025-10-14 Mt Ephraim Baptist Church USE 0193 2024 DRAFT S
with mms edits \(cao\)](#)
[Location Map-Mt. Ephraim
FLUM](#)
[ZONING MAP](#)
[02 Revised Site Plan](#)
[2025-10-14 Resolution Mt Ephraim Baptist Church USE-0193-202
with mms edits \(cao\)](#)

Misty Servia presented a request for the adoption of a resolution approving a special exception use to allow for the expansion of a place of worship on an 8.31-acre property located on SW CR 661. The property is zoned Agricultural- 10 (A-10) and located in the Rural/Agricultural Future Land Use Category. Ms. Servia conducted a comprehensive review of the applicable criteria and recommended conditions for approval. Staff findings concluded that the application is consistent with the Comprehensive Plan, complies with all Land Development Regulations, and meets all other applicable requirements. The applicants representative was available for questions.

A motion was made by Council Member Banish, seconded by Council Member Collins-Hill, that this resolution be recommended for approval. The motion carried by the following vote:

Aye: Chairperson Martin, Council Member Howard, Council Member Banish, Council Member Reesor, and Council Member Collins-Hill

**4. Ordinance / JBCC Veterans Blvd. LLC (Veterans Storage) Rezone -
RZNE-0067-2025**

Attachments: [2025-10-14 RZNE-0067-2025 Veterans Storage SR for PC](#)
 [Location Map](#)
 [FLUM](#)
 [Zoning](#)
 [Site Plan - Signed 05.13.25 5](#)
 [2025-10-14 RZNE-0067-2025 Veteran Storage Ord for PC](#)

Misty Servia presented a request to rezone a ±2.32-acre parcel located at the northeast corner of N Orlando Blvd and Veterans Blvd in southwest DeSoto County. The applicant, JBCC Veterans Blvd, LLC, is seeking approval for a Planned Unit Development (PUD) zoning district to allow for the construction of a three-story, 81,666-square-foot self-storage facility with a Floor Area Ratio (FAR) of 0.81, as outlined in the Concept Development Plan. Although the parcel lies within DeSoto County, it is uniquely positioned at the intersection of three jurisdictions: it borders the City of North Port in Sarasota County to the west and Charlotte County to the south, and is notably the only parcel in DeSoto County located west of Interstate 75. Ms. Servia reviewed the relevant land use category and the DeSoto County Comprehensive Plan to ensure consistency with county regulations. The site is currently undeveloped and is surrounded by Interstate 75 to the north and east, vacant residential land to the west, and vacant commercial property across Veterans Blvd to the south in Charlotte County. It is situated near existing water and wastewater infrastructure provided by Charlotte County Utilities, which runs along the south side of Veterans Blvd—a four-lane divided arterial roadway. The proposed development will connect to these public utility systems within the Charlotte County Utility Franchise Area. Charlotte County has already granted Final Site Plan approval for the utility and roadway improvements associated with the project, and the applicant has coordinated with Charlotte County to ensure access and utility services, as the necessary infrastructure lies within that jurisdiction. In accordance with Land Development Regulations (LDR) Section 20-1627, applicants requesting bonus density or intensity must provide competent substantial evidence demonstrating both eligibility and the extent of the bonus requested. Ms. Servia conducted a thorough review of the applicable criteria and recommended conditions for approval. County staff concluded that the application is consistent with the Comprehensive Plan, complies with all Land Development Regulations, and meets all other applicable requirements. The applicant's representative was present to answer questions, and the board engaged in further discussion following the presentation.

A motion was made by Council Member Banish, seconded by Council Member Reesor, that this Ordinance be recommended for approval. The motion carried by the following vote:

Aye: Chairperson Martin, Council Member Howard, Council Member Banish, Council Member Reesor, and Council Member Collins-Hill

PLANNING COMMISSION MEMBER REMARKS

NEXT MEETING

ADJOURNMENT

Being no further business before the Planning Commission, Chairperson Martin adjourned the meeting at 6:15 PM

NOTE: For quasi-judicial matters, any party desiring a verbatim record of the proceeding of this hearing for the purpose of an appeal is advised to make private arrangements for the production of a record and anyone wishing to present documents or other written evidence to the Board must provide eight (8) copies of the written material. If special accommodations are required in accordance with the Americans with Disabilities Act, individuals should contact the County Administrator's Office by calling 863-993-4800 at least forty-eight hours prior to the hearing.



DeSoto County

12/2/2025

Item #: 3.

- ☐ Consent Agenda ☐ Quasi-Judicial Public Hearing
☐ Regular Business 5:30 pm
☒ Public Hearing Other

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Misty Servia

TITLE & DESCRIPTION:

Ordinance Creating Section 20-233 Family Homestead Exemption of the LDR (LDR-0011-2025)

REQUESTED MOTION:

A motion to enter into the record this development review report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt the proposed ordinance.

SUMMARY:

In May 2024, Development Dept. staff presented “Planning 101” and a “Plat Process” presentations to the Planning Commission and the Board of County Commissioners. Subsequently, on January 28, 2025, staff provided the Board with a follow-up presentation on the subdivision of lands, that resulted in an additional evening workshop on Feb. 24, 2025, which provided an additional opportunity for public comment and participation.

The presentations included an overview of issues and highlighted potential LDR and Comprehensive Plan changes to improve, simplify, and clarify the process for the subdivision of land. Recommendations included a comprehensive plan amendment to allow the use of a parcel of property solely as a homestead by an individual who is the relative of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan, in accordance with Section 163.3179, F.S. (referred to herein as the “Family Homestead

BACKGROUND:

The Board approved the transmittal of the Comprehensive Plan text amendment (COMP-0014-2025, Resolution 2025-068) (Exhibit A) on August 12, 2025 and staff received a letter from the Florida Department of Commerce on September 9, 2025 stating, “Florida Commerce has no comment on the proposed amendment.” (Exhibit B). Staff has prepared an amendment to the LDR as the next step to implementing the

ITEM #: 3.

Comprehensive Plan policy and will schedule adoption of the comprehensive plan text amendment and approval of the LDR (Land Development Regulations) amendment at the same meeting, for the Board's consideration. Should the Comprehensive Plan amendment be denied by the Board, the LDR text amendment could not move forward.



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

CASE NO.: LDR-0011-2025

REQUEST: County-Initiated Amendment to the Land Development Code to include the Family Homestead Act

PROPERTY OWNER: DeSoto County Government

PROPERTY ID: NA

PROPERTY ADDRESS: NA

BACKGROUND & OVERVIEW OF REQUEST

In May 2024, Development Dept. staff presented “Planning 101” and a “Plat Process” presentations to the Planning Commission and the Board of County Commissioners. Subsequently, on January 28, 2025, staff provided the Board with a follow-up presentation on the subdivision of lands, that resulted in an additional evening workshop on Feb. 24, 2025, which provided an additional opportunity for public comment and participation.

The presentations included an overview of issues and highlighted potential LDR and Comprehensive Plan changes to improve, simplify, and clarify the process for the subdivision of land.

Recommendations included a comprehensive plan amendment to allow the use of a parcel of property solely as a homestead by an individual who is the relative of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan, in accordance with Section 163.3179, F.S. (referred to herein as the “Family Homestead Act”).

State law reads as follows:

163.3179 Family homestead.—A local government may include in its comprehensive plan a provision allowing the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan. Such a provision shall apply only once to any individual.

DeSoto County initiated a Comprehensive Plan text amendment to add this opportunity for the community, by drafting new policy 1.1.15, as follows:

Policy 1.1.15: Family Homestead. Pursuant to Florida Statutes Section 163.3179, a person owning a parcel may convey a portion of the parcel to an “immediate family member”, defined as a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild of the person who conveyed the parcel to said individual, for use of that family member solely as a homestead, as an exception to the density provisions contained in this element. This exception shall apply only once to any such immediate family member. However, this exception shall not apply to lots in platted subdivisions. The land development regulations shall provide procedures for lot splits or subdivision of land for the purpose of conveying a lot or parcel to immediate family members meeting these requirements for the establishment of a homestead and shall provide for minimum lot size of the lots so created and the remaining lot. Lot splits or subdivisions of land permitted pursuant to this policy shall be subject to compliance with all other applicable provisions of this Comprehensive Plan and the LDRs.

The Board approved the transmittal of the Comprehensive Plan text amendment (COMP-0014-2025, Resolution 2025-068) (Exhibit A) on August 12, 2025, and staff received a letter from the Florida Department of Commerce on September 9, 2025, stating, “Florida Commerce has no comment on the proposed amendment.” (Exhibit B).

Staff has prepared an amendment to the LDR as the next step to implementing the Comprehensive Plan policy and will schedule adoption of the comprehensive plan text amendment and approval of the LDR (Land Development Regulations) amendment at the same meeting, for the Board's consideration. Should the Comprehensive Plan amendment be denied by the Board, the LDR text amendment could not move forward.

LDR AMENDMENT: The following are proposed amendments to the DeSoto County Land Development Regulations to implement the Comprehensive Plan text amendment (Policy 1.1.15) recognizing the Family Homestead Act.

The proposed amendment adds Section 20-233 to the LDR, providing for the requirements when subdividing land under the family homestead exemption.

20-233. Family Homestead Exemption

- (a) Applicability. Per F.S. 163.3179, as amended, a family homestead exemption may be granted an exception to the density standards of the Comprehensive Plan Future Land Use Map designation. Such exemption shall also apply to the minimum lot area, lot width and depth standard, and lot frontage, under the applicable zoning category.**
- (b) Application shall include the applicable fee established by the Board of County Commissioners and the following when submitted to the Development Department and be administratively reviewed.**
 - (1) A Certified Boundary Survey (signed & sealed) and Legal Description(s) created within 1-year of application, titled as “Boundary Survey for Family Homestead Exemption”, accompanied by an attorney opinion of title or a title search report, with the following information on the survey:**
 - a. North Arrow, Scale, Legend, Key Map, and Legal Description(s);

-
- b. *Dimensions of the proposed parcel(s) and all property lines, and the lot area for each parcel, including permanent reference monuments (PRMs);*
 - c. *All structures located within 50' of new lot lines (for both the proposed parcel and for contiguous lots) or a note stating that none exist;*
 - d. *Existing onsite driveways, well/septic, and public utilities (for both the proposed parcel and within 300 feet for contiguous lots), or a note stating that none exist;*
 - e. *Existing easements, platted and maintained rights-of-way within and contiguous to proposed lot(s) or a note stating that none exist;*
 - f. *Any encumbrances identified in the title opinion or title search report and a note stating, "the survey was prepared with the benefit of a title report."*
 - g. *Updated access easement if an existing private street is used for access to new lot(s).*

(2) Deed of the parent parcel;

(3) Proposed covenants and restrictions provided by subsection (d), executed by the applicant; and

(4) An affidavit made jointly by the applicant/owner and the immediate family member to whom a portion of the property is intended to be conveyed, devised, or transferred, on a form provided by the Development Department, and verifying the following:

- a. The Parent parcel and the proposed Family Homestead Exemption lot;
- b. The intended recipient of the land is an immediate family member of the person from whom the parcel is conveyed, devised, or transferred, as defined in Policy 1.1.15 of the Future Land Use Element, DeSoto County Comprehensive Plan, and is legally eligible to own fee simple title to homestead property under Florida law.

(c) Requirements for approval:

- (1) Existing parent parcel shall be located in the A-10 or A-5 zoning districts, is a legal lot of record.
- (2) The parcels to be created by the proposed division shall only be conveyed to an immediate family member, as defined by Policy 1.1.15 of the Future Land Use Element, DeSoto County Comprehensive Plan, and these LDRs.
- (3) Any person who is conveyed a parcel created by a family homestead exemption may not be conveyed any other parcels created under such an exemption.
- (4) All parcels to be created by this section, including the remaining parent parcel, shall be a minimum of one-half acre and have frontage on a public road or publicly maintained right-of-way, private street (may require updated access easement) or a driveway within a recorded ingress/egress easement, built to Engineering Detail, D-5 standards. .
- (5) The parent parcel proposed for division shall not be located in a recorded or unrecorded platted subdivision or be a parcel created through any administrative lot split process, including certified lots.
- (6) A parent parcel may be divided under this section for a maximum of 6 lots with submittal of an application and review fee for each lot. Creation of 7 or more lots requires approval of a subdivision plat and is subject to all applicable standards of LDRs and DeSoto County Comprehensive Plan.

(7) All parcels to be created by this section, including the balance of the remaining parent parcel, must have access to the public street system. Access shall include direct frontage on a public street, county-maintained right-of-way, or via a driveway or private street (may require updated access easement) that intersects with the public street system. Said driveway shall be constructed at a minimum to Detail D-5, Engineering Standards within a recorded ingress/egress easement, with full consideration given to the functional, structural and aesthetic requirements, as approved by the County Engineer. There shall be only one ingress/egress easement allowed per parent parcel for Family Homestead Exemption lots.

(8) Addresses shall be assigned to each lot based on the public or private road frontage or nearest connected road via the driveway.

(d) Limits on Transferability

(1) The parcel or parcels to be created by the proposed division shall be used solely as the homestead of an immediate family member of the person who conveyed the parcel to said individual for twenty years from the date of approval of the Family Homestead Lot. and shall not be transferable before the expiration of that twenty-year period, unless authorized by the Board of County Commissioners

(2) The applicant shall provide covenants and restrictions to be executed by the applicant and the Development Director, on behalf of DeSoto County, which shall be recorded in the clerk of the court's records at the applicant's expense, restricting transfer, and regulating the development of the property to comply with the limitations of this section. The covenants and restrictions shall be enforceable by DeSoto County. The covenants and restrictions may be amended by the Board of County Commissioners, as necessary, to otherwise provide for the transfer or permitting in the case of the death or institutionalization of the originally intended immediate family member.

(e) Recording

The family homestead exemption approval letter and signed & sealed survey shall be recorded in the clerk of the court's records at the applicant's expense, along with the executed covenants and restrictions required by this section within 5 business days and a certified copy of the recorded documents provided to the Development Department.

(f) Compliance with other requirements.

(1) The parent parcel and all parcels created pursuant to this section shall comply with these and all other applicable comprehensive plan policies, and federal, state, and county regulations, including the requirements of this Code.

(2) Demonstration of compliance with the requirements for a family homestead exemption shall not itself constitute a basis for the granting of a variance from any other applicable provisions of this Code.

(g) Definitions. As used in this section, the following terms shall have the meanings set forth below:

(1) Immediate Family Member shall mean grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild, per F.S. 163.3179, as amended.

(2) Parent Parcel shall mean the same a “Lot of Record” as defined in Section 20-1650..

Secs. ~~20-231—20-253. Reserved.~~ 20-234---20-252 Reserved.

RECOMMENDED ACTIONS

1. Motion to adopt the Land Development Regulations amendment, implementing Policy 1.1.15 of the Comprehensive Plan to prescribe specific standards for the division of property when conveying land as a family homestead.

2025-068

RESOLUTION OF THE COUNTY COMMISSION OF DESOTO COUNTY,
FLORIDA, APPROVING FOR TRANSMITTAL TO ALL REQUIRED ENTITIES A
PROPOSED TEXT AMENDMENT TO THE FUTURE LAND USE ,ALLOWING
FOR THE USE OF PROPERTY AS A HOMESTEAD.

Adopted August 12,2025

DESOTO COUNTY, FLORIDA
RESOLUTION 2025- **068**

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING FOR TRANSMITTAL TO ALL REQUIRED ENTITIES A PROPOSED TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE DESOTO COUNTY COMPREHENSIVE PLAN TO ADD A NEW POLICY 1.1.15 TO OBJECTIVE 1.1, PURSUANT TO SECTION 163.3179, FLORIDA STATUTES, ALLOWING FOR THE USE OF PROPERTY BY AN INDIVIDUAL SOLELY AS A HOMESTEAD, NOTWITHSTANDING THE DENSITY OR INTENSITY ASSIGNED TO THE PARCEL IN THE PLAN, IF CONVEYED BY A RELATIVE AS DEFINED THEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners (hereinafter referred to as the "Board") to prepare and enforce comprehensive plans for the development of the County; and

WHEREAS, the Board has expressed a desire to amend the DeSoto County Comprehensive Plan Future Land Use Element to incorporate provisions of Section 163.3179, Florida Statutes, allowing for use of property by an individual solely as a homestead, notwithstanding the density or intensity assigned to the parcel in the County's Comprehensive Plan, if said property was conveyed by a relative as defined in said statute; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board is required to transmit to the reviewing agencies and any other local government or governmental agency that has filed a written request with the governing body of the proposed Comprehensive Plan amendments; and

WHEREAS, public transmittal hearings on the Comprehensive Plan amendment were held by the DeSoto County Planning Commission, acting as the Local Planning Agency, on August 5, 2025, and by the Board on August 12, 2025, pursuant to Sections 163.3184 (3) and (5), F. S.; and

WHEREAS, upon the receipt of DeSoto County Comprehensive Plan amendment by the Florida Department of Commerce (FDC), the FDC must review the amendment and issue to DeSoto County an Objections, Recommendations and Comments (ORC) Report on the amendment; and

WHEREAS, upon receipt of the FDC ORC Report, DeSoto County has 180 days to adopt, adopt with changes, or not adopt the Comprehensive Plan amendment; and

WHEREAS, the Board directs the Development Director to transmit Comprehensive Plan text amendment to all required entities and designates the Development Director as the contact person.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The Board of County Commissioners hereby directs the Development Director to transmit to all applicable reviewing agencies as required by Section 163.3184, Florida Statutes, the proposed amendment to the DeSoto County Comprehensive Plan text, revising Objective 1.1 to add a new Policy 1.1.15, as more particularly set forth in Exhibit A to this Resolution.

SECTION 2. The proposed amendment to the DeSoto County Comprehensive Plan is attached as Exhibit A to this Resolution.

PASSED AND DULY ADOPTED in DeSoto County, Florida, this 12th day of August 2025.

ATTEST:

**DESOTO COUNTY BOARD OF
COUNTY COMMISSIONERS**

BY: 
Mandy Hines
County Administrator

By: 
J.C. Deriso
Chairman

Approved as to form and legal sufficiency:

By: 
Valerie Vicente
County Attorney

EXHIBIT A

DESOTO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT GOALS, OBJECTIVES AND POLICIES

Excerpt

GOAL 1: FUTURE GROWTH

[...]

Objective 1.1: Land Use Categories Established. The generalized land use categories depicted on the Interim 2040 Future Land Use Map Series (**FLEUMS-3**) are intended to establish varying degrees of environmental protection and intensity of development, transitioning from the natural environment to the most intensive developed areas by gradually increasing density and urban character.

MEASURABLE TARGET: *Existence of implementing zoning classifications and number of units and/or number of square feet approved each year pursuant to regulations governing these land use classifications.*

Policy 1.1.1: Future Population. The Future Land Use Map shall contain an adequate supply of lands to accommodate the projected population.

Policy 1.1.2: Land Use Categories. The County shall implement the following land use categories as shown on the Future Land Use Map.

Land Use Categories	Base Density ¹ /Intensity	Bonus* (Policy 1.1.3)
Rural/Agriculture	Residential – Up to 1 du/10 acres Non-residential – Up to 0.4 FAR maximum	No bonus
Low-Density Residential	Residential – Up to 2 du/acre Non-residential – Up to 0.4 FAR maximum	3.5 du/ac maximum* 1.0 FAR maximum
Medium-Density	Residential – Up to 3.5 du/acre	5 du/ac maximum *
Neighborhood (Live/Work) Mixed	Residential – Up to 3.5 du/acre Non-residential – Up to 0.4 FAR	5 du/ac maximum* 0.6 FAR maximum*
Employment Center	Non-residential – Up to 0.5 FAR	0.7 FAR maximum*
Urban Central Mixed Use	Residential – Up to 5 du/acre Non-residential – Up to 0.6 FAR	8 du/acre maximum 2.0 FAR maximum
Commercial	Non-residential- Up to 0.25	0.35 FAR maximum*

¹ See Policy 1.1.15 for density exceptions for family homesteads as permitted by Section 163.3179, Florida Statutes.

Land Use Categories	Base Density ¹ /Intensity	Bonus** (Policy 1.1.3)
Public Land and Institutions	Publicly and semi-publicly owned lands that are effectively controlled from developing into a typical residential density or private non-residential land use not involved in service to the public. Examples include park, correctional facilities, sewer plants, etc.	
Electrical Generating Facility	This land use category is intended for electrical power generating facilities, which includes electric power plants and related facilities. This public service use includes directly related facilities for the production of electricity.	
Preservation	Dedicated by plat, site plan, easement or similar designation; permanently protected environmentally sensitive lands that may only be utilized for limited passive recreation	
Overlays	Conservation: Limited development subject to environmental analysis and protection of natural resources. Reverts to underlying future land use category if not in conservation area.	
	Generalized Phosphate Mining: Areas identified as having the highest potential for phosphate mining based on soil types and recognized mineral deposits.	
Master Planned Area	Identified and planned larger projects that must be developed as a whole. They are identified to ensure overall community/county integration and vision is achieved, versus isolated islands of development.	

Policy 1.1.3: Density Unit Bonus Limits. The Land Development Regulations shall require Planned Developments and include performance criteria for density bonuses within the various future land use categories, up to the following levels:

- (1) Low-Density Residential Use - Up to 3.5 dwelling units per acre and up to a 1.0 FAR
- (2) Medium-Density Residential Use - Up to 5 dwelling units per acre
- (3) Neighborhood Mixed Use – Up to 5 dwelling units per acre and up to 0.6 FAR
- (4) Employment Center- up to 1.2 FAR
- (5) Urban Center Mixed Use – Up to 8 dwelling units per acre; up to 1.6 FAR

Policy 1.1.4: Density and Intensity Bonus Criteria. A bonus point schedule shall be established within the Land Development Regulations. The schedule shall give consideration to the performance criteria listed below as a minimum:

- (1) Provisions and proximity to public infrastructure (water, sewer, urban roads)
- (2) Proximity to public safety (Fire/EMS)
- (3) Proximity to schools
- (4) Use of clustering and protection of environmentally sensitive areas
- (5) Increased urban design and landscaping
- (6) Increased public recreation and open space
- (7) Affordable Housing
- (8) Mixed use developments and mixed use buildings
- (9) Adjacent to lands developed with similar densities
- (10) Connectivity between developments
- (11) Donation of usable public land

- (12) Use of multiple performance criteria to achieve higher densities
- (13) Transfer of Development Rights (TDR's)
- (14) Proximity to other supporting uses to reduce vehicle miles traveled or improved walkability.
- (15) Ability of non-residential use to buffer residential from arterial and collector roads.

Policy 1.1.5: *Density/Intensity.* A binding site plan shall be required to be submitted and approved by the County as part of any applicant's request to receive an intensity/density bonus, including a rezoning, which demonstrates compliance with bonus criteria and LDR requirements

Policy 1.1.6: *Minimum Standards for Zoning District Applications.* The County shall monitor the Land Development Regulations and amend as needed, to incorporate the minimum standards that must be met for rezoning and bonus requests within the various future land use categories.

Policy 1.1.7: *Special Area Plans.* The County shall encourage preparation of special area studies, sector plans and other micro area land use studies to plan suitable land development patterns and coordinate the provision of necessary infrastructure and services.

Policy 1.1.8: *Zoning Districts.* The County shall establish, as needed, zoning districts to implement the goals of current and future land use categories.

Policy 1.1.9: *Zoning District Application Table.* The County shall amend its Land Development Regulations to include land use/zoning regulations/tables establishing zoning districts that implement current and future land use categories.

Policy 1.1.10: *Zoning Map.* The County shall amend its Zoning Map to apply newly created zoning districts.

Policy 1.1.11: *Rezoning.* The zoning amendment criteria in the Land Development Regulations shall be used to determine if a rezoning request to a new district is appropriate for a given property, in accordance with the comprehensive plan. The following general criteria, at a minimum, will be considered as part of the rezoning review process:

- (1) Location, availability and capacity of public services and facilities.
- (2) Proximity to similar densities/intensities.
- (3) Location within transportation network.
- (4) Environmental protection.

Policy 1.1.12: *Density Measurement.* Residential density shall be defined as the amount of dwelling units allowed per gross acre. This calculation shall include the entire property including roads, stormwater facilities, recreation areas, agricultural areas, natural resource preserves, etc. It shall not include areas separated off for non-residential uses (outparcels) or those areas otherwise not included as part of an overall development plan. It shall also not include property within the conservation overlay area, for which density within the area shall be calculated separately.

Policy 1.1.13: *BEER.* The County will ensure that the Future Land Use Map includes

adequate amounts of lands to accommodate the medium projected housing growth by the University of Florida's Bureau of Economic and Business Research for a 10-year and 15-year planning period.

Policy 1.1.14: *Essential Services and Structures.* "Essential Services" (to include infrastructure such as water, wastewater, cable TV, etc.) and "Essential Services Facilities" (to include structures, housing or ancillary infrastructure) shall be allowed in any zone district through the County's Development Plan process.

Policy 1.1.15: *Family Homestead.* Pursuant to Florida Statutes Section 163.3179, a person owning a parcel may convey a portion of the parcel to an "immediate family member", defined as a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild of the person who conveyed the parcel to said individual, for use of that family member solely as a homestead, as an exception to the density provisions contained in this element. This exception shall apply only once to any such immediate family member. However, this exception shall not apply to lots in platted subdivisions. The land development regulations shall provide procedures for lot splits or subdivision of land for the purpose of conveying a lot or parcel to immediate family members meeting these requirements for the establishment of a homestead and shall provide for minimum lot size of the lots so created and the remaining lot. Lot splits or subdivisions of land permitted pursuant to this policy shall be subject to compliance with all other applicable provisions of this Comprehensive Plan and the LDRs.

September 9, 2025

The Honorable J.C. Deriso
Chairman, DeSoto County
Board of County Commissioners
201 East Oak Street, Suite 201
Arcadia, Florida 34266

Dear Chairman Deriso,

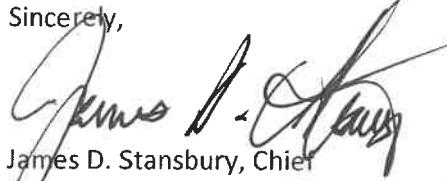
FloridaCommerce has reviewed the proposed comprehensive plan amendment for DeSoto County (Amendment No. 25-01ESR) received on August 25, 2025. The review was completed under the expedited state review process. FloridaCommerce has no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, FloridaCommerce has enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), Florida Statutes (F.S.), authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to 163.3184(3)(c)2., F.S.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after FloridaCommerce notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by FloridaCommerce or the Administration Commission.

If you have any questions concerning this review, please contact Scott Rogers, Regional Planning Administrator, by telephone at (850)-717-8510 or by email via Scott.Rogers@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS /sr

Enclosure(s): Procedures for Adoption

cc: Misty Servia, Planning Director, DeSoto County

Jennifer Codo-Salisbury, Executive Director, Central Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldco.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council, Water Management District, Department of Transportation, Department of Environmental Protection, Department of State, the appropriate county (municipal amendments only), the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only), and the Department of Education (amendments relating to public schools), and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package.

_____ Summary description of the adoption package, including any amendments proposed but not adopted.

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date.

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government.

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact.

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required.

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s).

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review.

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment.

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

DESOTO COUNTY, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF DESOTO COUNTY, FLORIDA, CREATING SECTION 20-233 “FAMILY HOMESTEAD EXEMPTION,” TO ARTICLE III “SUBDIVISION PROCEDURES” OF CHAPTER 20 OF THE COUNTY’S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REQUIREMENTS WHEN SUBDIVIDING LAND UNDER THE FAMILY HOMESTEAD EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapters 125 and 163, Florida Statutes, authorize counties of the State of Florida to adopt and enforce regulations in the interest of public health, safety and welfare; and

WHEREAS, the DeSoto County (the “County”) Board of County Commissioners (the “Board”) is authorized to adopt ordinances regulating the use of land in the County through adoption of the Land Development Regulations and its Comprehensive Plan; and

WHEREAS, the Future Land Use Element of the County’s Comprehensive Plan sets forth the range of permissible densities in those land use categories that permit residential development, including maximum densities; and

WHEREAS, Section 163.3179, F.S., titled “Family Homestead,” permits local governments to include a comprehensive plan provision that allows the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan; and

WHEREAS, pursuant to the aforementioned statute, the Board adopted a new Policy 1.1.15 to its Future Land Use Element of the County’s Comprehensive Plan to provide for the “Family Homestead” provision; and

WHEREAS, the purpose of this ordinance is to amend the County Land Development Regulations to implement standards and requirements when subdividing land under the family homestead exemption; and

WHEREAS, the Board further finds that adoption of this ordinance is in the best interest of the residents of DeSoto County and serves a proper public purpose; and

WHEREAS, the Board has properly noticed and held public hearings in accordance with law prior to adopting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THAT:

Section 1. Incorporation of Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Amendment to Article III of Chapter 20 of the DeSoto County Code of Ordinances. Chapter 20, Article III, of the DeSoto County Code of Ordinances is hereby amended to create Section 20-233 as follows:

20-233. Family Homestead Exemption

(a) Applicability. Per F.S. 163.3179, as amended, a family homestead exemption may be granted to the density standards of the Comprehensive Plan Future Land Use Map designation. Such exemption shall also apply to the minimum lot area and lot width and depth standard, and lot frontage, under the applicable zoning category.

(b) Application shall include the applicable fee established by the Board of County Commissioners and the following when submitted to the Development Department and be administratively reviewed.

(1) A Certified Boundary Survey (signed & sealed) and Legal Description(s) created within 1-year of application, titled as "Boundary Survey for Family Homestead Exemption", accompanied by an attorney opinion of title or a title search report, with the following information on the survey:

a. North Arrow, Scale, Legend, Key Map, and Legal Description(s);

b. Dimensions of the proposed parcel(s) and all property lines, and the lot area for each parcel, including permanent reference monuments (PRMs);

c. All structures located within 50' of new lot lines (for both the proposed parcel and within 300 feet for contiguous lots), or a note stating that none exist;

d. Existing onsite driveways, well/septic, and public utilities (for both the proposed parcel and within 300 feet for contiguous lots), or a note stating that none exist;

e. Existing easements, platted and maintained rights-of-way within and contiguous to proposed lot(s) or a note stating that none exist;

f. Any encumbrances identified in the title opinion or title search report and a note stating, "the survey was prepared with the benefit of a title report."

g. Updated access easement if an existing private street is used for access to new lot(s).

(2) Deed of the parent parcel.

(3) Proposed covenants and restrictions provided by subsection (d), executed by the applicant; and

(4) An affidavit made jointly by the applicant/owner and the immediate family member(s) to whom a portion of the property is intended to be conveyed, devised, or transferred, on a form provided by the Development Department, and verifying the following:

a. For parent parcel and the proposed Family Homestead Exemption lot;

b. The intended recipient of the land is an immediate family member of the person from whom the parcel is conveyed, devised, or transferred, as defined in Policy 1.1.15 of the Future Land Use Element, DeSoto County Comprehensive Plan, and is legally eligible to own fee simple title to homestead property under Florida law.

(c) Requirements for approval:

(1) Existing parent parcel shall be located in the A-10 or A-5 zoning districts, is a legal lot of record.

(2) The parcels to be created by the proposed division shall only be conveyed to an immediate family member, as defined by Policy 1.1.15 of the Future Land Use Element, DeSoto County Comprehensive Plan, and these LDRs.

(3) Any person who is conveyed a parcel created by a family homestead exemption may not be conveyed any other parcels created under such an exemption.

(4) All parcels to be created by this section, including the remaining parent parcel, shall be a minimum of one-half acre and have frontage on a public road or publicly maintained right-of-way, private street (may require updated access easement) or a driveway within a recorded ingress/egress easement, built to Engineering Detail, D-5 standards.

(5) The parent parcel proposed for division shall not be located in a recorded or unrecorded platted subdivision or be a parcel created through any administrative lot split process, including certified lots.

(6) A parent parcel may be divided under this section for a maximum of 6 lots with submittal of a new application for each lot. Creation of 7 or more lots requires approval of a subdivision plat and is subject to all applicable standards of LDRs and DeSoto County Comprehensive Plan.

(7) All parcels to be created by this section, including the balance of the remaining parent parcel, must have access to the public street system. Access shall include direct frontage on the public street, county-maintained right-of-way, or via a driveway or private street (may require updated access easement) that intersects with the public street system. Said driveway shall be constructed to Detail D-5, Engineering Standards with a recorded ingress/egress easement. There shall be only one ingress/egress easement allowed per parent parcel. A driveway shall be constructed within the easement per Engineering Detail, D-5 and with full consideration given to the functional, structural and aesthetic requirements of the driveway, as approved by the County Engineer. There shall be only one

ingress/egress easement allowed per parent parcel for Family Homestead Exemption lots.

(8) Addresses shall be assigned to each lot based on the public or private road frontage nearest connected road via the driveway.

(d) Limits on Transferability

(1) The parcel or parcels to be created by the proposed division shall be used solely as the homestead of an immediate family member of the person who conveyed the parcel to said individual for twenty years from the date of approval of the Family Homestead Exemption Lot, and shall not be transferable before the expiration of that twenty-year period, unless authorized by the Board of County Commissioners.

(2) The applicant shall provide covenants and restrictions to be executed by the applicant and the Development Director, on behalf of DeSoto County, which shall be recorded in the clerk of the court's records at the applicant's expense, restricting transfer, providing for maintenance of a shared driveway use as access, and regulating the development of the property to comply with the limitations of this section. The covenants and restrictions shall be enforceable by DeSoto County. The covenants and restrictions may be amended by the Board of County Commissioners, as necessary, to otherwise provide for the transfer or permitting in the case of the death or institutionalization of the originally intended immediate family member.

(e) Recording

The family homestead exemption approval letter and signed & sealed survey shall be recorded in the clerk of the court's records at the applicant's expense, along with the executed covenants and restrictions required by this section within 5 business days and a certified copy of the recorded document provided to the Development Department.

(f) Compliance with other requirements.

(1) The parent parcel and all parcels created pursuant to this section shall comply with these and all other applicable comprehensive plan policies, and federal, state, and county regulations, including the requirements of this Code.

(2) Demonstration of compliance with the requirements for a family homestead exemption shall not itself constitute a basis for the granting of a variance from any other applicable provisions of this Code.

(g) Definitions. As used in this section, the following terms shall have the meanings set forth below:

(1) Immediate Family Member shall mean grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child or grandchild, per F.S. 163.3179, as amended.

(2) Parent Parcel shall mean the same a "Lot of Record" as defined in Section 20-1650.

Section 4. Severability. If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 5. Codification. It is the intent of the Board and is hereby provided that the provisions of this Ordinance shall become and be made a part of the DeSoto County Code of Ordinances, and that the sections for the Ordinance may be renumbered or lettered to accomplish such intention, and that the word “ordinance” may be changed to “section” or “article” or other appropriate designation in order to accomplish such intention.

Section 6. Effective Date. This ordinance shall become effective immediately upon filing with the Secretary of State.

**DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA, THIS 16th DAY OF December 2025.**

ATTEST:

DESOTO COUNTY BOARD OF COUNTY
COMMISSIONERS

By: _____
Mandy Hines,
County Administrator

By: _____
Steve Hickox,
Chairman

Approved as to form and legal sufficiency:

By: _____
Valerie Vicente,
County Attorney