

**DESOTO COUNTY, FLORIDA  
ORDINANCE 2025- \_\_\_\_**

**AN ORDINANCE OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING A COMPREHENSIVE PLAN TEXT AMENDMENT 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 Community Planning Act (Sections 163.3161-163.3217, Florida Statutes) empowers and mandates the Board to prepare, adopt and amend a comprehensive plan for the County’s future growth and development; 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**, on August 5, 2025, at the duly advertised public transmittal hearing on amendment COMP-0000-0025 (State File #25-01ESR) the DeSoto County Planning Commission, acting as the Local planning Agency, pursuant to Section 163.31704, F.S. failed to support a motion to approve transmittal of the Resolution by a vote of 3-2; and

**WHEREAS**, on August 12, 2025, at the duly advertised public transmittal hearing on amendment COMP-0000-0025 (State File #25-01ESR), held by the Board, pursuant to Section 163.3184, F.S., the Board approved transmittal of the comprehensive plan text amendment to the State Land Planning Agency (Department of Commerce); and

**WHEREAS**, the County received a response from the Department of Commerce on September 09, 2025, which stated they had no comment on the proposed amendment; and

**WHEREAS**, on December 16, 2025, the Board held an adoption hearing to consider the adoption of the proposed amendment to its comprehensive plan, with due

public notice having been provided, and having considering all comments received during such public hearing, including the data and analyses provided for in the County staff report, finds it is necessary and desirable to adopt, and does hereby adopt, the comprehensive plan amendment.

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

**SECTION 1.** New Policy 1.1.15 of Objective 1.1 is hereby added to the Future Land Use Element of the DeSoto County Comprehensive Plan, as set forth below and in Exhibit A.

**Policy1.1.15 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.”

Additionally, a superscript “(1)” corresponding to a footnote (1) shall be added to “Base Density/Intensity” column title to cross-reference the new Policy 1.1.15.

**PASSED AND DULY ADOPTED** in DeSoto County, Florida, this 16th day of December 2025.

**ATTEST:**

**DESOTO COUNTY BOARD OF  
COUNTY COMMISSIONERS**

BY: \_\_\_\_\_  
Mandy Hines  
County Administrator

By: \_\_\_\_\_  
Steven Hickox  
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 <sup>1</sup> /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	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*

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

Land Use Categories	Base Density <sup>1</sup> /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, w h i c h 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	<b>Conservation:</b> Limited development subject to environmental analysis and protection of natural resources. Reverts to underlying future land use category if not in conservation area.	
	<b>Generalized Phosphate Mining:</b> 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.