

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