

DESOTO COUNTY

ORDINANCE NO. 2025 –

AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING DIVISION 2, “ADMINISTRATIVE LOT SPLITS; GENERAL EXEMPTION” OF ARTICLE III “SUBDIVISION PROCEDURES” OF CHAPTER 20 OF THE DESOTO COUNTY LAND DEVELOPMENT REGULATIONS, CONSOLIDATING THE TYPES OF ADMINISTRATIVE LOT SPLITS AVAILABLE FOR APPROVAL, ALLOWING CERTIFIED LOT SPLITS IN THE RM (RESIDENTIAL MIXED), RMF (RESIDENTIAL MULTIFAMILY), AND RMF-M (RESIDENTIAL MULTIFAMILY MIXED) ZONING DISTRICTS, CLARIFYING THE DETERMINATION OF MINIMUM LOT AREA FOR PURPOSES OF IMPLEMENTING ADMINISTRATIVE LOT SPLITS, AND CLARIFYING APPLICATION REQUIREMENTS; AMENDING SECTION 20-1650 OF ARTICLE XII “DEFINITIONS” TO ELIMINATE OR MODIFY DEFINED TERMS TO REFLECT THESE AMENDMENTS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 27, 2025, the DeSoto County (the “County”) Board of County Commissioners adopted Ordinance No. 2025-007 (the “Ordinance”), amending the County’s subdivision regulations to allow the subdivision of land, subject to certain requirements, through an administrative lot split process; and

WHEREAS, the Ordinance provided for two (2) distinct types of administrative lot splits: (a) Certified Agricultural Lots and (b) Certified Residential Lots; and

WHEREAS, following adoption of the aforementioned Ordinance, it became apparent through the processing of applications and implementation of the Ordinance that the regulations require further simplification and clarification; and

WHEREAS, the recently adopted Ordinance provides that wetlands cannot be considered when determining compliance with the required minimum lot area for a parcel in consideration the subdivision of land, however, the County does not make determinations nor identify jurisdictional wetlands, and finds that this requirement is not necessary so long as administrative lot split approvals for property that may have wetlands are conditioned upon obtaining State permits, if required; and

WHEREAS, the recently adopted Ordinance also provides that only those properties that meet the minimum requirements of the ordinance and are located within A-

10 (Agricultural – 10), A-5 (Agricultural – 5), and RSF-1, 2,3,4 or 5 (Residential Single Family) zoning districts are eligible for administrative lot splits, however, in furtherance of allowing more property owners to avail themselves of the administrative lot split process, the proposed revisions will expand the eligible zoning districts to also include RM, RMF, and RMF-M zoning districts; and

WHEREAS, it is the intent of these proposed revisions to allow for additional properties to qualify for administrative lot splits, to simplify the process, and to clarify the application documents that will be required to process said applications.

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 as follows:

ARTICLE III. – SUBDIVISION PROCEDURES

DIVISION 2. ADMINISTRATIVE LOT SPLITS; GENERAL EXEMPTION

Sec. 20-231. Administrative Lot Splits

- (a) Desoto County authorizes two (2) types of land and the divisions of land without the need for a plat under limited circumstances, to be approved administratively by the Development Director as more particularly set forth in this section.: ~~(a) Certified Agricultural Lots and (b) Certified Residential Lots.~~
- (b) Only lands that meet the minimum requirements of this section, and are located within the following zoning districts of the LDR are eligible for an administrative lot split: A-10 (Agricultural – 10), A-5 (Agricultural – 5), and RSF-1, 2,3,4 and 5 (Residential Single Family), RM (Residential Mixed), RMF (Residential Multifamily), or RMF-M (Residential Multifamily Mixed) zoning districts.
- ~~(a)~~ (c) Certified Agricultural Lots. The Development Director may administratively approve the division of unplatted land from the parent parcel, or Lot of Record, or Agricultural Lot to create a Certified Agricultural Lot by means of a Certified

Boundary Survey, accompanied by an attorney opinion of title or title company certificate, and accompanied by a metes and bounds legal description rather than a plat under the following conditions. These lots are certified as buildable lots with legal access, that meet the minimum dimensional requirements of the zoning district and conditions of approval. If all requirements are met, the maximum number of lots permitted to be created are two (2) Certified Agricultural Lots created from the parent parcel, ~~or Lot of Record, or Agricultural Lot~~ since May 27, 2025. Creation of the third lot will require either a minor or major subdivision approval.

- (1) Certified ~~Agricultural~~ Lots shall mean any division of land that splits unplatted land from the parent parcel, ~~Agricultural Lot, or Lot of Record~~ to create parcels of land ~~that are a minimum of 10 acres, that meet the minimum dimensional requirements of the zoning district as of May 27, 2025, located in the A-10 (Agricultural – 10), A-5 (Agricultural – 5), and RSF-1 (Residential Single Family – 1 du/ac) zoning districts and are~~ consistent with the LDR and Comprehensive Plan.
- (2) Each Certified ~~Agricultural~~ Lot shall be buildable per the current zoning of the proposed parcel(s) and have existing access to a public or private street constructed in conformance with the Desoto County or State of Florida Engineering Standards or is listed in the official inventory of County maintained streets. The County Engineer may require shared driveways for these lots.
- (23) It does not involve the establishment of a new street. Creation of a new public or private street shall require a Major Subdivision as set forth in Division 3 of this Article.
- (34) The land proposed to be split cannot be within an existing recorded or unrecorded platted subdivision, nor can the lot have been previously subdivided pursuant to the procedures set forth herein.
- (45) ~~No land below a shoreline, or part of a wetland shall be considered when determining compliance with the required minimum lot area. Those properties that are located within the Conservation Overlay Future Land Use Category of the Comprehensive Plan, shall meet the standards of said overlay, and all State permitting requirements.~~
- (5) ~~Each Certified Agricultural Lot must abut an existing public road or an existing, private road that has been constructed in conformance with the Desoto County or State of Florida Engineering Standards or is listed in the official inventory of County maintained streets and must connect to a publicly maintained right-of-way.~~

(6) In requesting the administrative approval, the applicant shall provide the following items:

(i) Copy of the deed to the property. If the applicant does not own the property, they must obtain written consent from the owner, including a notarized signature, authorizing them to make the application.

(ii) Copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.

(iii) Certified Boundary Survey accompanied by an attorney opinion of title or title company certificate, and legal description created within 1-year of application. The Certified Boundary Survey shall include PRM's for the proposed lot corners and a legal description of the proposed lots, created within 1-year of the administrative lot split application. Moreover, the PRM's must meet the minimum requirements of Chapter 177, Florida Statutes.

(iv) Applicable fee as established by resolution of the Board of County Commissioners.

(7) Once approved by the Development Director, the approval letter, accompanied by the signed/sealed boundary survey, lots shall be recorded in the clerk of the court's Official Records Book for DeSoto County by the applicant within 5 business days and a certified copy of the recorded document provided to the Development Department.

~~(b) Certified Residential Lots. The Development Director may administratively approve the division of unplatted lots of record by means of a survey accompanied by a metes and bounds legal description rather than a plat under the following conditions. These lots are less than 10 acres, certified as buildable lots with legal access, meeting the minimum dimensional requirements of the zoning district, and limited to two (2) Certified Residential Lots created from the parent parcel, Lot of Record, or Agricultural Lot since May 27, 2025. Creation of the third lot under 10 acres will require either a minor or major subdivision approval.~~

~~(1) Located in the A-10 (Agricultural – 10), A-5 (Agricultural – 5), or RSF-1, 2,3,4 and 5 (Residential Single Family) zoning districts, meeting the minimum lot dimensions of the current zoning district and consistent with the Land Development Regulations and the Future Land Use Category of the Comprehensive Plan.~~

- ~~(2) Does not involve the establishment of a new street. Creation of a new public or private street shall require a Major Subdivision as set forth in Division 3 of this Article.~~
- ~~(3) Is not part of an existing recorded or unrecorded platted subdivision, nor has the lot have been previously subdivided pursuant to the procedures set forth herein.~~
- ~~(4) No land below a shoreline, or part of a wetland shall be considered when determining compliance with the required minimum lot area~~
- ~~(5) Each lot must abut an existing public road or an existing, private road that has been constructed in conformance with the Desoto County or State of Florida Engineering Standards or is listed in the official inventory of County maintained streets and must connect to a publicly maintained right-of-way.~~
- ~~(6) In requesting the administrative approval, the applicant shall provide the following items:~~
 - ~~(i) Copy of the deed to the property. If the applicant does not own the property, they must obtain written consent from the owner, including a notarized signature, authorizing them to make the application.~~
 - ~~(ii) Copy of the official property appraiser's map indicating the subject property and all other properties within 200 feet.~~
 - ~~(iii) Certified survey and legal description created within 1-year of the application.~~
 - ~~(iv) Applicable fee as established by resolution of the Board of County Commissioners.~~
- ~~(7) Once approved by the Development Director, the lots shall be recorded in the Clerk of the Court's Official Records for DeSoto County by the applicant within 5 business days and a copy of the recorded document provided to the Development Director.~~

Section 4. Amendment to Section 20-1650 of Article XII, of Chapter 20 of the DeSoto County Code of Ordinances. Chapter 20, Article XII, of the DeSoto County Code of Ordinances is hereby amended as follows:

Sec. 20-1650. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Agricultural Lot(s) shall have the same meaning as set forth in Sec. 20-232.~~

231. ~~Certified Agricultural Lot (s) shall have the same meaning as set forth in Sec. 20-~~

~~231. Certified Residential Lot(s) shall have the same meaning as set forth in Sec. 20-~~

Section 5. Repealer. All ordinances, or parts of ordinances, in conflict herewith be, and the same, are hereby repealed.

Section 6. Severability. If any section, subsection, clause, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 7. Inclusion in the Code. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of DeSoto County, Florida ; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

Section 8. Effective Date. This Ordinance will become effective as provided by law.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, this 12th day of August, 2025.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF DESOTO COUNTY, FLORIDA**

By: _____
Mandy Hines
County Administrator

By: _____
J.C. Deriso, Chairman
Board of County Commissioners

APPROVED AS TO LEGAL FORM

By: _____
Valerie Vicente
County Attorney