



DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

CASE: COMP-0014-2025

REQUEST: County-Initiated Text Amendment to the Comprehensive Plan to include the Family Homestead Act

APPLICANT: DeSoto County Government

PROPERTY ID: NA

PROPERTY ADDRESS: NA

OVERVIEW OF REQUEST

In May 2024, Development Department staff presented “Planning 101” and “Plat Process” presentations to the Planning Commission and the Board of County Commissioners (the “Board”). On January 28, 2025, a follow-up workshop was held before the Board related to the County’s “Plat Process” and the subdivision of lands within the County more generally. Thereafter, an additional evening workshop was held on Feb. 24, 2025, to add another opportunity for public comment.

The presentations included an overview of issues and highlighted areas where clarity is lacking in the County’s Land Development Regulations (LDRs) and Comprehensive Plan. Recommended amendments included the ability for qualifying property owners to be able to utilize Section 163.3179, Florida Statutes, which permits local governments to adopt revisions to their comprehensive plan to allow 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 Future Land Use Map, if said property was conveyed by a relative as defined in said statute (the “Family Homestead Act”).

The following are proposed amendments to the DeSoto County Comprehensive Plan related to the implementation of the Family Homestead Act. The following is the text of the statute in its entirety:

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.

As noted above, pursuant to the statute, the owner may convey a portion of the parcel to an “immediate family member”. This is 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. The property conveyed would be for use of that family member solely as a homestead, as an exception to the density provisions contained in the Comprehensive Plan.

This exception shall apply only once to any such immediate family member. However, this exception shall not apply to lots in platted subdivisions.

The DeSoto County Land Development Regulations and Comprehensive Plan do not reflect this platting process from the FL Statutes which would be advantageous to many families in the county that desire to provide some land to a family member. An accompanying amendment to the LDRs clarifies 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. It provides for minimum lot size of the lots and the remaining lot. All other applicable provisions of the Comprehensive Plan and the LDRs will apply.

Proposed Amendment

The following new Policy 1.1.15 is proposed in the Future Land Use Element, under Objective 1.1: Land Use Categories Established.

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.”

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.

Should the proposed text amendment be adopted, an accompanying amendment to the LDRs will be presented to the Board for consideration.

AMENDMENT PROCESS

Florida Statutes Chapter 163.3184(3) Expedited State Review Process, which outlines the specific process for text amendments to Comprehensive Plans. These proposed amendments will have the following schedule:

- August 5, 2025 – Legislative public hearing by the Planning Commission sitting as the Local Planning Agency
- August 12, 2025 – Legislative public hearing with the Board of County Commissioners to consider transmittal of amendment to State.
- Legislative public hearing with the Board of County Commissioners to consider adoption of the amendment (date to be determined).

REQUIRED NOTIFICATIONS:

The public hearing on this item was advertised in the newspaper indicating the time, date, and location of the hearing as required by the DeSoto County land Use Regulations.

FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

1. The County has initiated an amendment to the text of the Future Land Use Element of the County's Comprehensive Plan 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 future land use map, if said property was conveyed by a relative as defined in said statute. The Development Department has reviewed the request and determined the application is complete.
2. The Planning Director has reviewed the Comprehensive Plan Amendment application for consistency with the 13 indicators identified in Section 163.3177(6)(a)9. a, Florida Statutes, and concludes that the application **can be found to discourage** the proliferation of urban sprawl and **can be found to be consistent** with said Section 163.3177(6)(a)9.a, Florida Statutes.
3. The Planning Director has reviewed the Comprehensive Plan Amendment for consistency with the eight (8) factors identified in Section 163.3177(6)(a)9.b, Florida Statutes, and concludes the application **can be found to be consistent** with said Section 163.3177(6)(a)9. b, Florida Statutes.
4. The Planning Director has reviewed the proposed amendment against the Comprehensive Plan's goals, objectives and policies and concludes it **can be found to be consistent**.
5. The due public notice requirements have been satisfied.

VI. ALTERNATIVE ACTIONS

The Planning Commission / LPA has one of the following alternative actions at its disposal:

- A. Enter into the record the Development Review Report and all other documents and evidence presented at the hearing and forward the record to the Board of County Commissioners with a recommendation that the proposed Resolution be transmitted to the State Department of Commerce.
- B. Enter into the record the Development Review Report and all other documents and evidence presented at the hearing, amend the findings and conclusions contained herein to support the Planning Commission's recommendation, and forward the record to the Board of County Commissioners with the recommendation that the proposed Resolution not be transmitted to the State Department of Commerce.

Attachment:
Resolution for Transmittal