

DIVISION 4. LOT SPLITS

Sec. 50-600. General requirements.

The division of land by lot split does not require platting; but must comply with the requirements set forth in this division.

- (a) *General requirements.* Each lot split must:
- (1) Comply with the specific requirements in section 50-601 applicable to the type of split requested;
 - (2) Provide legal access to the new lot and the remnant lot by: (a) direct connection to an existing public road, or (b) direct connection to a recorded private road or recorded easement that connects directly to an existing public road. The recorded private road or recorded easement must be located outside of a flood hazard area and must be a minimum of 30 feet in width, at least 18 feet of which must be cleared and stabilized sufficiently to provide a firm and unyielding surface that is passable during inclement weather conditions by its anticipated users, all as reviewed by the development review committee and approved by the zoning official. The county may require that the legal access be conveyed to the county for public right-of-way. Any required driveway connection to a public road must be approved by the appropriate jurisdiction;
 - (3) Identify whether the remnant lot meets all lot requirements, such as minimum lot size, width, depth and setbacks and lot coverage (as to any existing improvements) and will therefore be deemed a legal lot of record; or does not meet all such lot requirements and will therefore be deemed an unlawful lot of record; and
 - (4) Comply with other applicable requirements in this Code.
- (b) *Process.*
- (1) *First step meeting.* Prior to submitting an application, the applicant or its agent must first meet with the zoning official or designee to discuss the proposed lot split and the process.
 - (2) *Written application.* A request for a lot split must be made on the application form provided by the county and accompanied by the applicable fee in appendix B. The application must include, but is not limited to, the following:
 - a. *Proof of ownership.* A current (dated within one month of the date the application is submitted) ownership and encumbrance report prepared by a title company or attorney for the lot being split (the original lot) and the legal access (if provided by private road or easement). The property owner, outstanding mortgagees and holders of other interests in the lot or legal access must join or consent to the application.
 - b. *Sketch or boundary survey and legal descriptions.* A sketch (if the land is vacant) or boundary and location survey (if the land has improvements that appear to be located near required setbacks) prepared by a Florida licensed surveyor that depicts: the original lot, the proposed split (the new lot and the remnant of the original lot), existing and/or proposed access, above ground utilities, existing structures and flood hazard areas (if any). Legal descriptions must be provided for each lot created by the split (the new lot and the remnant of the original lot).

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- c. *Acknowledgement.* A statement by the applicant(s) that the lot split meets or will meet all limitations, requirements, criteria, and standards for approval set forth in this Code.
 - d. *Additional information.* Any other information required by other provisions of this Code or which the zoning official deems necessary in order to process the application.
- (3) *Review; denial or approval.* Upon receipt, the zoning official or designee will review the application for completeness. If additional information is needed, the zoning official or designee will inform the applicant and allow a reasonable time for the applicant to provide the additional information. Upon finding the application is complete, the zoning official or designee will review the application for compliance and will issue a written denial (with a brief statement of reasons) or approval in the section of the application reserved for that purpose.
 - (4) *Lot split certificate.* If the application is approved, the zoning official or designee will issue a lot split certificate that, at a minimum, identifies the new lot authorized to be created by deed, identifies the remnant lot and provides notice of applicable limitations and conditions. Upon signature of the property owner, the zoning official or designee will record the lot split certificate in the public records of the county.
 - (5) *Deed; failure to record; approval void.* Within one year of the recording date of the lot split certificate, the applicant must record a fully executed deed for the new lot in the public records of the county to complete the lot split process. Failure to timely record a deed for the new lot automatically voids the approval for that lot.
- (c) *Application deemed withdrawn.* In the event an applicant requests to pause its application at any stage in the process, the applicant will have a maximum of six months from date the application was submitted to the county to request its application be fully processed. In the event the applicant does not contact the zoning official to proceed with fully processing the application during this six month period, the application is deemed withdrawn and the applicant will be required to submit a new application and fee if they wish to pursue a lot split.

(Ord. No. 2024-1, § 4, 4-2-2024)

Sec. 50-601. Types of lot splits.

- (a) *One time split of a parent parcel.* Through the process in section 50-600, a parent parcel may be split one time to create two lots that meet all lot requirements, such as minimum lot size, width, depth and setbacks and lot coverage (as to any existing improvements). Any parent parcel that was previously split one time may reconfigure that split upon application made by the current owners of both parcels.
- (b) *Lot split for utilities.* Through the process in section 50-600, any lot of record (legal or unlawful) may be split to create a new lot for any utilities that are allowed in that zoning district. The utilities lot is not required to meet all lot requirements, such as minimum lot size, width, depth, setbacks and lot coverage; however, such a lot will be deemed a legal lot of record solely for utilities use and may not be used or developed for any other use.
- (c) *Lot split for right-of-way.* Any lot of record (legal or unlawful) may be split by recorded deed (it is not required to follow the process set forth in section 50-600) that conveys land for public right-of-way to the federal, state, county or municipal government. If the remnant lot does not meet all lot requirements, the property owner may request a variance as set forth in section 50-851 to allow reasonable use of the lot.
- (d) *Lot split for a family homestead.* As authorized by F.S. §163.3179, the following standards implement policy 1.13 of the future land use element in the comprehensive plan. These standards authorize the creation of a

family homestead lot by deed to an eligible family member who is ready to establish their homestead residence on the lot within ten years.

(1) *Eligibility standards.*

- a. *Eligible lot* means a legal lot of record that is not within a platted subdivision, is not within a municipal service district, and has a zoning designation of F/RR, A/RR or RR.
- b. *Eligible grantor* means a natural person who has owned the eligible lot for three consecutive years or more.
- c. *Eligible grantee* means the eligible grantor's grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild, who has not previously received a family homestead lot (or formerly a lineal heir homestead density exemption parcel) within the county.

(2) *Family homestead lot; conditions and limitations; transfer certificate.*

- a. The family homestead lot is not required to meet the minimum lot size (density) required within that zoning district; however, the family homestead lot must be a minimum of two acres in a flood hazard area and one acre in a non-flood hazard area, meet the setback requirements for its zoning designation, and must have sufficient area for a permitted onsite sewage treatment and disposal system and potable water well, unless connected to a central water and wastewater system.
- b. Notwithstanding section 50-712, an accessory dwelling unit is not allowed on a family homestead lot that does not meet the minimum lot size (density) required within its zoning district.
- c. The family homestead lot is created solely for use as the homestead residence of the eligible grantee. As such, the grantee must establish a permanent residence on the lot, obtain homestead exemption from the property appraiser within ten years from the recording date of the lot split certificate, and maintain homestead exemption for a period of five consecutive years. Upon satisfying the foregoing conditions, the lot will be deemed a legal lot of record.
- d. If the grantee does not satisfy the conditions in c, the lot will be deemed an unlawful lot of record. The unlawful status may be remedied by obtaining a transfer certificate. A request for a transfer certificate must be made on the application form provided by the county and accompanied by the applicable fee in appendix B. If approved, the zoning official or designee will issue a transfer certificate and, upon property owner signature, will record the transfer certificate in the public records of the county. The zoning official or designee is authorized to issue transfer certificates that allow:
 1. Conveyance of the lot back to the original grantor, provided they still own the remnant lot. Upon such conveyance, the family homestead lot previously created is extinguished;
 2. Conveyance of the lot to an eligible grantee (of either the grantee or the original grantor) who then satisfies the conditions in c above; or
 3. Conveyance of the lot to a third party (not the original grantor or another eligible grantee), but only when the grantee established a residence on the family homestead lot and is unable to complete the homestead requirement due to documented circumstances beyond their control, such as divorce, death, or relocation due to job change.

(3) *Remnant lot; conditions and limitations.*

- a. If the remnant lot meets all lot requirements, such as minimum lot size, width, depth and setbacks and lot coverage (as to existing improvements), it will be deemed a legal lot of record.
- b. If the remnant lot does not meet all lot requirements, it may be:

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1. Occupied as the homestead (as evidenced by homestead exemption) of the eligible grantor for a period of five consecutive years after the family homestead lot split, upon which it will be deemed a legal lot of record; or
 2. Conveyed (in whole or in part) as additional family homestead lots through the process in section 50-600.

(Ord. No. 2024-1, § 4, 4-2-2024)

Secs. 50-602—50-610. Reserved.