

# Gadsden County Board of County Commission Agenda Request

**Date of Meeting:** December 17, 2013

**Date Submitted:** November 22, 2013

**To:** Honorable Chairman and Members of the Board

**From:** Robert Presnell, County Administrator  
Allara Mills Gutcher, Planning and Community Development  
Director

**Subject:** **PUBLIC HEARING** - Amendment of Chapter 6, Subdivision of Land, Section 6000, Establishment for Subdivision of Land, Subsection 6600, Family Exception.

---

## **Statement of Issue:**

Section 6600 of the Land Development Regulations speaks to the subdivision of property when such property is deeded to an immediate family member. This provision is allowed by Florida Statutes, and the Gadsden County Comprehensive Plan (see enclosure).

## **Background:**

In 2007, the Board of County Commissioners amended Section 6600 of the Land Development Regulations that enabled family members to deed a minimum of one acre of land and up to three parcels of land to defined immediate family members. This amendment installed a sunset of the provision within eighteen (18) months of adoption (Subsection 6600(E)). This caused the regulation to sunset on September 2, 2008, and has not been used since that date.

Although this section of the Code has since sunset and cannot be enforced, the language has not been removed from the Code. This revision will strike the sunset language and renew the ability for persons to deed a minimum of three (3) acres to an immediate family member when certain criteria are met.

## **Analysis:**

The Comprehensive Plan allows for the division of the property (Future Land Use Element Policy 1.1.6). This item will provide parameters for such division. Without the adoption of these parameters, staff will have no regulation or enforcement on the creation of these lots.

This 2013 amendment will reintroduce the similar language into the Land Development Regulations, with no expiration or sunset date. One major change to the language is that prior to the sunset of the regulation, the grantor had a minimum restriction of one acre to be conveyed to the proposed family member. The proposed language requires a minimum of three acres to be conveyed to the family member. In no case shall a parent parcel or a conveyed parcel be less than three (3) acres in size.

The regulation restricts the usage of this exception to those properties classified as Agriculture on the Future Land Use Map. In addition, the definition of the immediate family member retains that which is as defined in §163.3179, Florida Statutes.

#### **Analysis of Changes to Section 6600 – Family Homestead Exception.**

<b>Current</b>	<b>New</b>	<b>Notes</b>
N/A	Subsection 6601	Added a purpose and intent of the section.
Subsection 6600(A)	Subsection 6602	Merged and reorganized for better structure.
Subsection 6600(B)	Subsection 6602	Condensed language. Moved restrictions from original 6600(B) to Subsection 6603.
Subsection 6600(B)	Subsection 6603	Reorganized language for better structure. Current language required a minimum of one acre to be conveyed. Proposed language requires a minimum of three acres to be conveyed.
Subsection 6600(C)	Subsection 6604	Same intent, revised language.
Subsection 6600(E)	N/A	Removed sunset language.
Subsection 6600(F)	Subsection 6605	Reorganized language for better structure.

The amendment to this Section of the Code will better allow staff to review development requests, and allow applicants to understand the County requirements. Updates to the Definitions Chapter, Subsection 2101, is also submitted.

#### **Gadsden County Comprehensive Plan:**

This request to amend the Land Development Code is consistent with the goals, objectives, and policies of the Comprehensive Plan. Those policies that speak to this issue include:

##### **Future Land Use Element**

Policy 1.1.6: The Future Land Use Map shall provide that density for residential and Agriculture 1 through 3 land use categories shall not exceed the established dwelling units/acreage ratios except that transfer of property to immediate family members (parents, grandparents, children, siblings, etc.) is allowable provided that adequate public facilities with sufficient levels of service are available along with other applicable requirements of the comprehensive plan for land development.

**Planning Commission Recommendation/Findings:**

The Planning Commission voted eight to four (8-4) to recommend that the Board of County Commissioners not adopt the proposed changes and ordinance. Concerns included the division of land outside of the requirements of the subdivision regulations and plat approval.

**Options:**

1. Adopt Ordinance 2013-010 as presented and authorize the Chair to execute.
2. Don't adopt Ordinance 2013-010 as presented.
3. Adopt Ordinance 2013-010 with changes and authorize the Chair to execute.
4. Adopt Ordinance 2013-010 only as a strikethrough of existing language, to remove the outdated sunset language from the Land Development Code and authorize the Chair to execute.
5. Board Direction

**Staff Recommendation:**

Option #1. Currently, the Comprehensive Plan allows for the division of parcels for "immediate family members". This criteria for creation of lots will provide parameters for such division.

**Attachments:**

1. Ordinance 2013-010 with Exhibits A and B.
2. Family Homestead language from Florida Statutes and the Gadsden County Comprehensive Plan.
3. Public Notice

## **ORDINANCE 2013 -010**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 6, SUBDIVISION OF LAND; SECTION 6600 IMMEDIATE FAMILY EXCEPTIONS; PURSUANT TO COMPREHENSIVE PLAN POLICY 1.1.6; CREATING A FAMILY EXCEPTION FOR CREATION OF PARCELS DEEDED TO IMMEDIATE FAMILY MEMBERS; AMENDING CHAPTER 2, SECTION 2100 THE DEFINITIONS PERTINENT THERETO; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida legislature has adopted §163.3179, F.S., Family Homestead, which allows a local government to include a provision within its comprehensive plan to allow “the use of a parcel of property solely as a homestead by an individual who” is an immediate family member, by definition; and

**WHEREAS**, The Gadsden County Board of County Commissioners adopted the Gadsden County Comprehensive Plan as required pursuant to §163.3167, F.S.; and

**WHEREAS**, The Gadsden County Board of County Commissioners recognized the need for the citizens of Gadsden County to have the ability to create parcels as allowed by §163.3179, F.S. by adopting Policy 1.1.6 of the Future Land Use Element, which allows an individual the ability to grant acreage to immediate family members regardless of the density of the land use limitations as outlined in the Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners of Gadsden County has adopted the Gadsden County Land Development Code, as required pursuant to §163.3202, Florida Statutes; and

**WHEREAS**, The Gadsden County Planning Commission, acting as the local planning agency, reviewed this amendment and made a recommendation to the Board of County Commissioners; and

**WHEREAS**, duly noticed public hearings were conducted on such proposed amendment on November 14, 2013 by the Gadsden County Planning Commission, and on December 17, 2013 by the Board of County Commissioners.

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:

Chapter 6, Section 6600 of the Gadsden County Land Development Code is amended, as specified in Exhibit “A” to this Ordinance; and,

Chapter 2, Section 2100 of the Gadsden County Land Development Code is amended, as specified in Exhibit “B” to this Ordinance.

**SECTION I:** Approval of Amendment.

We, the Board of County Commissioners of Gadsden County, hereby adopt the amendment to Chapter 6, Section 6600, as hereby included as Exhibit “A”, and the definitions within Chapter 2, Section 2100, as hereby included as Exhibit “B”, of the Gadsden County Land Development Code

## **SECTION II: Repeal**

All parts of Chapter 6, Section 6600 of the Gadsden County Land Development Code in existence prior to the adoption of this ordinance and in conflict herewith are hereby repealed and shall have no further effect whatsoever.

Those parts of Chapter 2, Section 2100, as amended by this ordinance and in existence prior to the adoption of this ordinance and in conflict herewith are hereby repealed and shall have no further effect whatsoever.

## **SECTION III: Severability**

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

## **Section 3: Effective Date**

This Ordinance shall become effective upon passage.

The above and foregoing Ordinance was read and approved at a duly convened regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 17th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

By: \_\_\_\_\_

Eric Hinson, Chairman

\_\_\_\_\_  
Nicholas Thomas  
Clerk of the Circuit Court

**ORDINANCE 2013-010**  
**EXHIBIT A**

**CHAPTER 6. SUBDIVISION OF LAND**

**SECTION 6600. FAMILY EXCEPTION**

**Subsection 6601. Purpose and Intent.** In accordance with the provisions of §163.3179, Florida Statutes, Policy 1.1.6 of the Comprehensive Plan and this Section, a Family Exception may be granted on a parcel designated Agricultural on the County Comprehensive Plan's Future Land Use Map, without meeting the density standards of the corresponding Agricultural land use designation, when the criteria of this Section are met.

**Subsection 6602. Applicability.** Any newly created parcels or lots created within the requirements of this section shall only be conveyed to an immediate family member and shall not be conveyed to any person other than a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild.

**A. Conveyance to relative.** Once the property, parcel or lot is conveyed to the relative as defined above (aka grantee), the grantee must homestead the said property, parcel or lot.

**B. Ownership.** Each parcel created by Family Exception shall be owned and homesteaded by the grantee for at least three (3) years from the date of County approval.

**C. Grantee.** The provisions of this Section shall only apply once to each grantee individual immediate family member, as defined above.

**Subsection 6603. Standards and Restrictions.** The creation of parcels or lots under the parameters of this section must meet the following criteria:

**A. Previously platted parcels, lots or subdivisions.** Family Exception parcels shall not be permitted from previously platted parcels, recorded plat(s), or subdivisions.

**B. Land Use.** Any property located outside of an Agriculture land use category is ineligible for this Family Exception.

**C. Minimum size.** Lots created from the parent parcel shall be three (3) acres or more in size. The parent parcel shall retain a minimum of three (3) acres.

**D. Maximum number of lots.** Under this exception, no more than four (4) lots shall be created in perpetuity including the original parent parcel.

- E. Further divisions.** Once subdivided or created, the new parcels cannot be further subdivided until such time as an amendment to the Future Land Use Map is adopted by ordinance to a land use category that allows smaller lot sizes.
- F. Transferability.** The Family Exception parcel(s) shall not be transferable to an individual or entity outside of the immediate family before three (3) years after the County approval date.
- G. Non-conforming parcels.** Any parcel(s) made non-conforming as a result of any adoption of a Comprehensive Plan amendment by the County, with less than the minimum lot size required in the corresponding Agricultural land use category, shall be allowed only when no resulting parcel is less than three (3) acres.
- H. Frontage requirements.** All parcels must have frontage on an existing publicly maintained road, or:
1. Provide a recorded easement for a joint driveway access to a public road, which shall be restricted to the use of two lots; or
  2. Have obtained joint access to a private recorded easement as follows:
    - a) For only one driveway access point, Section 6003(G)6 shall apply.
    - b) For two or more access points Section 6003(F)5 shall apply.

Section 5611(G) shall apply to the creation of access points.

**Subsection 6604. Restrictions.** Lots created per the Family Exception shall include a legal description and a deed with real covenants that run with the land. Said restrictions shall include language that addresses the following, and must be recorded.

- A. Resale.** A negative covenant which prohibits the sale of the created lot outside of the immediate family of the owner of record of the parent tract for a period of three (3) years from approval.

**Subsection 6605. Procedures.** The creation of a lot or lots through the Family Exception shall require the following. The application shall be reviewed as a Level I Review.

- A. Application.** A complete application as provided by the County shall be submitted in accordance with Section 7100 this Code, and additionally shall include the submittal of:
1. Copies of all existing survey documents, legal descriptions and other pertinent legal documents.
  2. All applicable fees.
  3. The draft deed restrictions.

4. Proof of ownership.
5. Proof of current homestead exemption status by the grantor.
6. An affidavit verifying that:
  - a) The grantor and grantee of the properties are related as defined in Subsection 6602(A).
  - b) Acknowledgement that the grantor and grantee shall not transfer any property subject to this Section within a three (3) year period from the date of approval.

**B. Incomplete applications.** In regard to deficient or incomplete applications, the applicant shall have 90 days from the date of the issuance of comments from the County to the applicant to make required corrections to the application and resubmit said application for review. Failure to resubmit a revised application within 90 days shall have the same effect as denial of the application without prejudice.

**C. Recording of documents.** Copies of all survey documents, legal descriptions and recorded deeds with restrictions must be recorded in the public records with the Clerk of the Court and provided to the Planning & Community Development Department within 90 business days of a Notice of Approval. Failure to record the Family Exception parcels in a timely manner shall result in the approved application becoming null and void.

**D. Application for building permit, requirement.** Applications for building permits shall include an official copy of the deed covenants and restrictions with the required language as specified in Subsection 6604.



ORDINANCE 2013-010  
EXHIBIT A

CHAPTER 6. SUBDIVISION OF LAND

SECTION 6600. FAMILY EXCEPTION

**Subsection 6601. Purpose and Intent.** In accordance with the provisions of §163.3179, Florida Statutes, Policy 1.1.6 of the Comprehensive Plan and this Section, a Family Exception may be granted on a parcel designated Agricultural on the County Comprehensive Plan's Future Land Use Map, without meeting the density standards of the corresponding Agricultural land use designation, when the criteria of this Section are met.

**Subsection 6602. Applicability.** Any newly created parcels or lots created within the requirements of this section shall only be conveyed to an immediate family member and shall not be conveyed to any person other than a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild.

- A. Conveyance to relative.** Once the property, parcel or lot is conveyed to the relative as defined above (aka grantee), the grantee must homestead the said property, parcel or lot.
- B. Ownership.** Each parcel created by Family Exception shall be owned and homesteaded by the grantee for at least three (3) years from the date of County approval.
- C. Grantee.** The provisions of this Section shall only apply once to each grantee individual immediate family member, as defined above.

**Subsection 6603. Standards and Restrictions.** The creation of parcels or lots under the parameters of this section must meet the following criteria:

- A. Previously platted parcels, lots or subdivisions.** Family Exception parcels shall not be permitted from previously platted parcels, recorded plat(s), or subdivisions.
- B. Land Use.** Any property located outside of an Agriculture land use category is ineligible for this Family Exception.
- C. Minimum size.** Lots created from the parent parcel shall be three (3) acres or more in size. The parent parcel shall retain a minimum of three (3) acres.
- D. Maximum number of lots.** Under this exception, no more than four (4) lots shall be created in perpetuity including the original parent parcel.

- E. Further divisions.** Once subdivided or created, the new parcels cannot be further subdivided until such time as an amendment to the Future Land Use Map is adopted by ordinance to a land use category that allows smaller lot sizes.
- F. Transferability.** The Family Exception parcel(s) shall not be transferable to an individual or entity outside of the immediate family before three (3) years after the County approval date.
- G. Non-conforming parcels.** Any parcel(s) made non-conforming as a result of any adoption of a Comprehensive Plan amendment by the County, with less than the minimum lot size required in the corresponding Agricultural land use category, shall be allowed only when no resulting parcel is less than three (3) acres.
- H. Frontage requirements.** All parcels must have frontage on an existing publicly maintained road, or:
1. Provide a recorded easement for a joint driveway access to a public road, which shall be restricted to the use of two lots; or
  2. Have obtained joint access to a private recorded easement as follows:
    - a) For only one driveway access point, Section 6003(G)6 shall apply.
    - b) For two or more access points Section 6003(F)5 shall apply.

Section 5611(G) shall apply to the creation of access points.

**Subsection 6604. Restrictions.** Lots created per the Family Exception shall include a legal description and a deed with real covenants that run with the land. Said restrictions shall include language that addresses the following, and must be recorded.

- A. Resale.** A negative covenant which prohibits the sale of the created lot outside of the immediate family of the owner of record of the parent tract for a period of three (3) years from approval.

**Subsection 6605. Procedures.** The creation of a lot or lots through the Family Exception shall require the following. The application shall be reviewed as a Level I Review.

- A. Application.** A complete application as provided by the County shall be submitted in accordance with Section 7100 this Code, and additionally shall include the submittal of:
1. Copies of all existing survey documents, legal descriptions and other pertinent legal documents.
  2. All applicable fees.
  3. The draft deed restrictions.
  4. Proof of ownership.

5. Proof of current homestead exemption status by the grantor.
6. An affidavit verifying that:
  - a) The grantor and grantee of the properties are related as defined in Subsection 6602(A).
  - b) Acknowledgement that the grantor and grantee shall not transfer any property subject to this Section within a three (3) year period from the date of approval.

- B. Incomplete applications.** In regard to deficient or incomplete applications, the applicant shall have 90 days from the date of the issuance of comments from the County to the applicant to make required corrections to the application and resubmit said application for review. Failure to resubmit a revised application within 90 days shall have the same effect as denial of the application without prejudice.
- C. Recording of documents.** Copies of all survey documents, legal descriptions and recorded deeds with restrictions must be recorded in the public records with the Clerk of the Court and provided to the Planning & Community Development Department within 90 business days of a Notice of Approval. Failure to record the Family Exception parcels in a timely manner shall result in the approved application becoming null and void.
- D. Application for building permit, requirement.** Applications for building permits shall include an official copy of the deed covenants and restrictions with the required language as specified in Subsection 6604.

## **SECTION 6600. IMMEDIATE FAMILY EXCEPTIONS.**

- A. ~~Deeds of Gift or Inheritance.~~** Any deed of gift or inheritance, for any parcel of land given without valuable consideration to any of the donor's immediate family shall be exempted from the provisions of this ordinance requiring approval by the Planning Commission and the Board of County Commission provided that such division does not require approval of or is not accomplished through a recorded plat. Such subdivision shall have been accomplished through the immediate family exception process. Each parcel created by immediate family exception shall be owned by an immediate family member for five years from the date of County approval and require that the standards found in Section 6600 be met. ~~(Ord. # 2007-002, 3-06-07, Ord. #2013-004, 4-06-13)~~
- B. ~~Eligibility and Qualifications.~~** Any owner of record, or their heirs, of a conforming parcel property which meets the minimum parcel size for the land use category as of July 1<sup>st</sup>, 2000, or any owner, or their heirs, of a parcel made non-conforming as a result of adoption of the Comprehensive Plan on November 26, 1991 that is not less than three (3) acre in area, may create up to three (3) immediate family parcels of land by granting gifts of land to be used as a homestead to eligible immediate family members including oneself. ~~(Ord. # 2007-002, 3-06-07)~~

Under this exception the following standards shall apply:

1. ~~Per Chapter 163.3179, F.S., this exception is expressly intended to require the homesteading of said property by the grantee and/or grantor if the grantor's parcel results in a parcel/lot of less than the minimum area require by the land use category. For the immediate family member parcel to be recognized as a legal lot eligible for building permits, said eligible immediate family member must homestead the property. Any lot and dwelling unit created under the immediate family process that is not utilized for immediate family purposes shall eliminate the immediate family exception and the parcel shall be subject to all Comprehensive Plan density requirements and other applicable ordinances and subject to code enforcement action by the County. No individual may receive a lot or property that has been subdivided pursuant to the immediate family exemption more than one (1) time.~~
2. ~~Immediate family exception shall be created at one (1) time from the parent property provided no parcel in Agricultural land use areas shall be conveyed to an eligible immediate family member consisting of less than one (1) acre in area and the subdivision results in no more than three (3) lots.~~
3. ~~Once subdivided as part of an immediate family exception, the parcel can not be further subdivided. Immediate family exception subdivisions shall not be permitted in previously approved, minor or platted major subdivisions. The immediate family exception is not eligible for persons whose property is located outside of the Agriculture land use categories.~~
4. ~~The owner of a parcel(s) made non-conforming as a result of the adoption of the Comprehensive Plan on November 26, 1991 with less than the minimum lot size required in the established Agricultural land use (AG-1, AG-2 or AG-3), and where such parcel consists of at least three (3) acres or larger, shall be eligible for the immediate family exception process.~~

5. ~~No more than three (3) lots, of not less than one (1) acre each, shall be permitted to be subdivided from the parent parcel and at one (1) time only.~~
6. ~~The remainder parcel(s) resulting from an immediate family subdivision, which contains less than the lot area as required by the land use, shall only be conveyed to an immediate family member as a homestead unless the remainder parcel is greater than or equal to the minimum lot area required by the underlying Agricultural land use. This shall not prevent the sale of a previously existing legal parcel or parcels of record (parcel created prior to November 26, 1991) from being conveyed or sold to a non-immediate family member. (Ord. # 2007-002, 3-06-07)~~
7. ~~The immediate family exception parcel(s) shall not be transferable to an individual or entity outside of the immediate family for five years after the County approval date. (Ord. #2013-004, 4-16-13)~~
- C. ~~**Deed Restrictions.** The granting of a deeded lot per this exception shall be deed restricted to prohibit the sale of the created lot out of the immediate family of the owner of record of the parent tract. Applications for building permits on immediate family parcel shall include an official copy of a deed with such restriction on the face of the deed or other recorded instrument. (Ord. # 2007-002, 3-06-07)~~
- D. ~~**Exemptions.** The creation of a lot per this exception out of a subdivision lot shall be exempted from the requirement of Planning Commission and Board of County Commission approval, (Subsection 2102, Subdivisions), if the application meets all other land use and Concurrence requirements and there are no conflicts with deed restrictions or covenants. (Ord. # 2007-002, 3-06-07)~~
- E. ~~**Expiration.** The immediate family exception provisions of this Code shall expire and no longer be permitted with Gadsden County effective eighteen (18) months from the date of adoption of this ordinance (September 2, 2008). Lots created under the immediate family process approved and recorded prior to the expiration date shall be considered legal vested lots of record subject to the immediate family restrictions. This ordinance will be amended after September 2, 2008 to classify the status of lots created under the immediate family process. (Ord. # 2007-002, 3-06-07)~~
- F. ~~**Procedures.** The creation of a lots/s through the Immediate Family Exception shall require the following:~~
  1. ~~Review and approval of the proposed immediate family exception as a Class I review.~~
  2. ~~The filing of an application to include copies of the proposed deeds and surveys of all parcels resulting from the Immediate Family exception.~~
  3. ~~Verification of the acceptance of Immediate Family status and their intent to homestead within one (1) year of the application shall be provided by all recipient family members.~~
  4. ~~Prior to the issuance of a building permit, copies of all recorded deeds comprising the Immediate Family exception must be recorded in the Public Records and copies provided to the Growth Management Department.~~
  5. ~~Verification of immediate family status is required at time of permitting.~~

## CHAPTER 2

### DEFINITIONS AND INTERPRETATIONS.

#### SECTION 2000. Interpretation.

The following rules shall be observed in the application and interpretation of provisions of this Code, except when the context clearly requires otherwise.

1. The words "**shall**" or "**must**" are mandatory. The words "**should**" or "**may**" are permissive.
2. Words used or defined in one tense or form shall include other tenses or derivative forms.
3. Words in the singular shall include the plural; words in the plural shall include the singular.
4. Words referencing the masculine gender shall extend and be applied to the female gender and shall be considered to be gender neutral.
5. The word "**includes**" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(Ord. # 1996-005, 7-2-96)

#### DEFINITIONS.

##### Subsection 2102. Specifically.

**Approval:** The final acceptance ~~of a proposal~~ by the Gadsden County Board of County Commissioners, or the Planning and Community Development Department, as applicable, of a proposal or a request submitted by an applicant. Approval by the governing body or Planning and Community Development Department is final only after the full measure of timing for ~~the~~ any applicable appeal process has been exhausted.

(Ord. # 1996-005, 7-2-96)

**Building, height of:** The vertical distance measured from the average elevation of the ~~proposed finished pre-development~~ grade at the front of the structure to the mean level of the slope of the main roof.

(Ord. # 1996-005, 7-2-96)

**Department:** Gadsden County ~~Growth Management Department~~ Planning and Community Development Department.

(Ord. # 1996-005, 7-2-96)

**Existing Construction:** Any structure for which the "start of construction" commenced before May 21, 1991, or as specifically named in any update of the Code.  
(Ord. # 1996-005, 7-2-96)

**Existing Use:** The use of a lot, parcel or structure at the time of the adoption of the Comprehensive Plan- (November, 1991), or as specifically named in any update of the Plan.  
(Ord. # 2003-006, 8-19-03)

**Family Exception:** A process for conveying a parcel to an immediate family member.

~~**F. D. C. A.:** The Florida Department of Community Affairs.  
(Ord. # 2003-006, 8-19-03)~~

**F.D.E.O or DEO:** The Florida Department of Economic Opportunity.

~~**Future Land Use Element, (FLUE):** The Element of the adopted Gadsden County Comprehensive Plan which contains the land use goals, objectives and policies of the County and map of the future location of land use categories within the County.  
(Ord. # 2003-006, 8-19-03)~~

**Grantee:** A person to whom a grant or conveyance is made.

**Grantor:** A person or institution who makes a grant or conveyance.

**Immediate Family Member:** The fatherparent, step-fatherparent, grandfatherparent, mother, step-mother, grandmother, adopted parent, brother, step-brother, sister, step-sister, daughter, step-daughter, son, step-son, sibling, child, stepchild, adopted child, or grandchild, step-grandchild, or foster child of a person. ~~A parcel of land that is used strictly for immediate family homestead purposes shall be exempt from density requirements. See Subsection 6600.~~  
(Ord. 2006-029, 3-6-06)

**Planning Commission:** The Local Planning Agency commission first established by Ordinance #76-004, Gadsden County, Florida. Also known as the Planning Commission or Planning Board. ~~Ten appointed members and one at large member who also sit as the Local Planning Agency or LPA to hear Land Use Map Amendments and Comprehensive Plan Amendments.~~  
(Ord. # 2003-006, 8-19-03)

**Right-Of-Way:** ~~A strip of land occupied or intended to be occupied by a street, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main~~

~~or for any other special use. The use of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separated and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-ways intended for uses that will require maintenance by a public agency shall be dedicated to the public use.~~

~~(Ord. # 1996-005, 7-2-96)~~

**Right-of-way.** Land dedicated, deeded, conveyed, reserved, or used for ~~a street, alley, avenue, road, pedways, bikeway, boulevard, drainage facility, access for ingress and egress, or other~~ public purposes.

~~(Ord. # 2006-017, 5-16-06)~~

**Steep heads:** ~~See Conservation Element data and analysis contained in the Gadsden County Comprehensive Plan.~~

~~(Ord. # 1996-005, 7-2-96)~~

**Subdivider:** ~~Developer~~

~~(Ord. # 1996-005, 7-2-96)~~

**Variance:** A variance is a relaxation of the terms of the ordinance. ~~Such variance shall not be contrary to the public interest. A variance may be made where, owing to conditions peculiar to the property not the result of actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.~~

~~(Ord. # 1996-005, 7-2-96)~~



## Attachment 1 – Family Homestead Exception

### The 2013 Florida Statutes

---

<a href="#">Title XI</a>	<a href="#">Chapter 163</a>	<a href="#">View Entire Chapter</a>
COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	INTERGOVERNMENTAL PROGRAMS	

**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.

**History.**—s. 6, ch. 92-129.

### Gadsden County Comprehensive Plan

#### Future Land Use Element

Policy 1.1.6: The Future Land Use Map shall provide that density for residential and Agriculture 1 through 3 land use categories shall not exceed the established dwelling units/acreage ratios except that transfer of property to immediate family members (parents, grandparents, children, siblings, etc.) is allowable provided that adequate public facilities with sufficient levels of service are available along with other applicable requirements of the Comprehensive Plan for land development.

# Gadsden County Board of County Commissioners NOTICE OF INTENT

**NOTICE IS HEREBY GIVEN** to all concerned that the Gadsden County Board of County Commissioners at their regularly scheduled meeting on Tuesday, December 17, 2013 at 6:00 p.m. intends to hear the following items:

- 1. Public Hearing - Family Homestead Exemption (LDR-2013-010):** Proposed Ordinance #2013-010 amending Chapter 6 of the Gadsden County Land Development Code to allow a parcel of land from a parent parcel to be conveyed for homestead purposes to an immediate family member for properties designated as Agricultural on the Future Land Use Map.

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 6, SUBDIVISION OF LAND; SECTION 6600 IMMEDIATE FAMILY EXCEPTIONS; PURSUANT TO COMPREHENSIVE PLAN POLICY 1.1.6; CREATING A FAMILY EXCEPTION FOR CREATION OF PARCELS DEEDED TO IMMEDIATE FAMILY MEMBERS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

- 2. Public Hearing - Communication Towers (LDR-2013-020):** Proposed Ordinance #2013-011 amending Chapter 5, Subsection 5800 of the Gadsden County Land Development Code.

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE CHAPTER 5, DEVELOPMENT STANDARDS; SECTION 5800 COMMUNICATION TOWERS; AMENDING STANDARDS FOR THE LOCATION AND DEVELOPMENT OF COMMUNICATIONS TOWERS; AMENDING CHAPTER 2, SECTION 2100, THE DEFINITIONS PERTINENT THERETO; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

*The public hearing will be held in the County Commission chambers located at 7 E. Jefferson Street, Quincy, FL. Persons wishing to review the agenda packet for the above project may review it on the County website at [gadsdengov.net](http://gadsdengov.net) or come to the Planning & Community Development Department at 1B E. Jefferson St., Quincy, FL.*

*In accordance with the Americans with Disabilities Acts, persons needing assistance in obtaining any information from the County or attending the public hearing should contact the County by communicating with the Planning and Community Development Department at (850) 875-8663 at least 48 hours prior to the hearing.*

*If any person wishes to appeal any decision made with respect to this matter at the public hearing, they will need to ensure that a verbatim record of the proceedings is made recording the testimony and evidence presented.*