



DeSoto County Planning Commission Meeting Agenda

Tuesday, May 5, 2026

5:30 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

SET OR AMEND THE AGENDA

PUBLIC FORM FOR NON-AGENDA ITEMS

PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION

1. Proof of Publication [26-1751](#)

Sponsors: Administrator

Attachments: [Publishers Affidavit](#)
[Tear Sheet](#)

MEETING MINUTES

2. Planning Commission Meeting Minutes from April 7, 2026 [26-1750](#)

Sponsors: Administrator

Attachments: [4-7-2026 PC Meeting Minutes-Draft](#)

DEVELOPMENT DIRECTOR COMMENTS

ACTION ITEMS

3. Ordinance / Debra Brantley / Rezone (RZNE-0082-2026) [26-1749](#)

Sponsors: Administrator

Attachments: [2026-04-20 Staff Report Brantley final for PC](#)
[Location Map](#)
[FLUM](#)
[Zoning Map](#)
[2026-04-20 Brantley Rezone Ordinance Final for PC](#)

4. Ordinance / Maria's Rentals / Rezone (RZNE-0046-2023)

[26-1748](#)

Sponsors: Administrator

Attachments: [2026-04-20 2026-04-17 RZNE 0046-2023 Maria's Rentals SR Final for PC](#)
[Location Map](#)
[FLUM](#)
[ZONING MAP](#)
[Comp Plan Policies exhibit](#)
[2026-04-10 Ordinance RZNE-0046-2023 Maria's Rentals Final for PC](#)

PLANNING COMMISSION MEMBER REMARKS

NEXT MEETING

ADJOURNMENT

NOTE: For quasi-judicial matters, any party desiring a verbatim record of the proceeding of this hearing for the purpose of an appeal is advised to make private arrangements for the production of a record and anyone wishing to present documents or other written evidence to the Board must provide eight (8) copies of the written material. If special accommodations are required in accordance with the Americans with Disabilities Act, individuals should contact the County Administrator's Office by calling 863-993-4800 at least forty-eight hours prior to the hearing.



DeSoto County

5/5/2026

Item #: 1.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Proof of Publication

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Bill Martin

TITLE & DESCRIPTION:

Proof of Publication

REQUESTED MOTION:

A motion to approve the proof of publication.

SUMMARY:

Legal ad ran in The Daily Sun newspaper on Friday, April 24, 2026.



Ticket: 3988250-1
PC Meeting 5.5
4 x 12
Laura McClelland
Publish: 4/24/26
379254 3988253

**PUBLISHER’S AFFIDAVIT OF
PUBLICATION STATE OF FLORIDA COUNTY
OF CHARLOTTE:**

Before the undersigned authority personally appeared Jill Kelli Di Benedetto, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

04/24/26

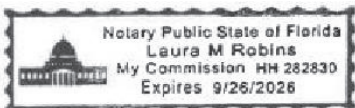
as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

Sworn and subscribed before me this 24th day of
April, 2026

(Signature of Notary Public)



Personally known X OR Produced Identification

2026 CAC Hurricane Season Names

● ARTHUR	● HANNA	● OMAR
● HANNA	● ISAIAS	● PAULETTE
● OMAR	● JOSEPHINE	● RENE
● BERTHA	● KYLE	● SALLY
● ISAIAS	● LEAH	● TEDDY
● PAULETTE	● MARCO	● VICKY
● CRISTOBAL	● NANA	● WILFRED

CAC
CLIMATE ADAPTATION CENTER

PROVIDED BY CAC

The names for the 2026 hurricane season were released, which will be used in alphabetical order as storms are formed.

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Season/

from A1 kinds that can spin up very quickly.”

There is also concern an unusually wet season in June over Africa might create favorable conditions for an early season storm.

Heavy rainfall over Africa decreases the amount of dust in the air. Dust helps prevent storm formation, so when African rainstorms are pushed over the Atlantic Ocean, they can grow to hurricane strength more easily.

Forecasts are not concrete and could change, especially if the shift in the planet’s climate conditions comes earlier than expected.

WHAT IS EL NIÑO AND WHAT DOES IT MEAN?

The La Niña season, a cycle in the planet’s climate most favorable to hurricane formation, is expected to end soon and evolve to the lesser hurricane-heavy cycle called El Niño.

Bunting has projected there are nearly equal chances (25%) of a very strong, strong or moderate strength El Niño by next January.

El Niño season offers a lot of benefits to suppressing hurricane creation, like increased wind shear, which which disrupts storm formation, essentially slowing down the speed of winds in the eye of the hurricane.

Bunting forecasts El Niño to become strong

over the U.S. during peak hurricane season, September, bringing above-average rainfall.

However, the Gulf is forecasted to be below average in moisture levels at the same time — conditions Bunting said remind him of how Milton was formed.

While El Niño seasons usually produce fewer hurricanes than La Niña, said Bunting, rapidly warming ocean temperatures raise the chance of major hurricanes, even when only a small number of storms are forecasted.

WHAT CREATES A HURRICANE?

The CAC measures a variety of factors when creating its annual hurricane forecast, including warming sea surface temperatures, high pressure systems like the Bermuda high, Saharan dust and below average rainfall.

While some contradict each other and not all are needed for a hurricane to form, only a couple of conditions are needed to create “hotspots” for storm development.

One example was last year’s Hurricane Erin, which formed the fastest rapid intensification ever recorded, said Bunting, growing to a Category 5 by gaining 85 mph in wind speeds in just 24 hours to 160 mph.

“The right ingredients have to happen,” Bunting said.

Even in a quieter season,

local officials stress that storm surge remains one of the deadliest threats and preparation now can make the difference when storms develop quickly.

COUNTY PUTS OUT STORM SURGE POLES

On Thursday, Sarasota County announced it installed two colorful poles on Siesta and Manasota beaches with displays that educate people on storm surge.

The displays give information about how each color aligns with the National Hurricane Center’s storm risk map system, each color representing three feet of water above ground level.

- Red: Greater than 9 feet above ground
- Orange: 6-9 feet above ground
- Yellow: 3-6 feet above ground
- Blue: 1-3 feet above ground

A third pole is planned for North Jetty Beach this spring, according to a news release.

Storm surge is one of the most dangerous elements of hurricanes and can create life-threatening conditions past beachfront areas and into inland areas.

“We hope these poles help residents and visitors better understand the dangers of storm surge and make decisions for their loved ones,” Sarasota County Emergency Services Director Rich Collins stated.

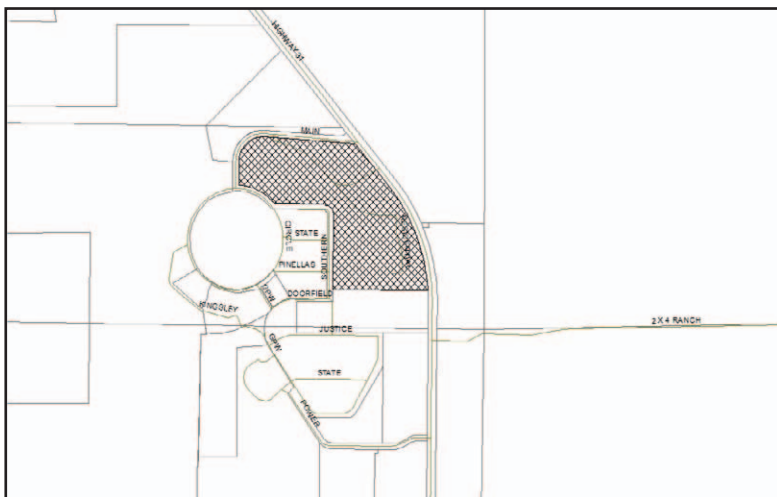
NOTICE OF PUBLIC HEARING

Notice is hereby given that the below ordinance(s)/resolution(s) will be considered at the regularly scheduled Public Hearings/Meetings of the **PLANNING COMMISSION** (“PC”), sitting as the Local Planning Agency, on **Tuesday, May 5, 2026, at 5:30 PM**, or as soon thereafter, as they may be heard on those dates. All public hearings will be held in the County Commission Meeting **Room 103, Administration Building, 201 E. Oak Street, Arcadia, Florida**. Copies of the applications and staff reports are available at the Development Department Room 204, Administration Building, 201 E. Oak Street, Arcadia, Florida five days prior to the meeting dates and are available on the County’s website at www.desotobocc.com under Department News and News & announcements. Members of the public may appear and be heard on the matters to be considered. Pursuant to Section 286.0105, F.S., if you want to appeal any decision of the Planning Commission, you will need a record of the proceedings, and for such purpose, you may need to arrange for a verbatim transcript to be prepared.

PLANNING COMMISSION: (PC) Tuesday, May 5, 2026, at 5:30 PM

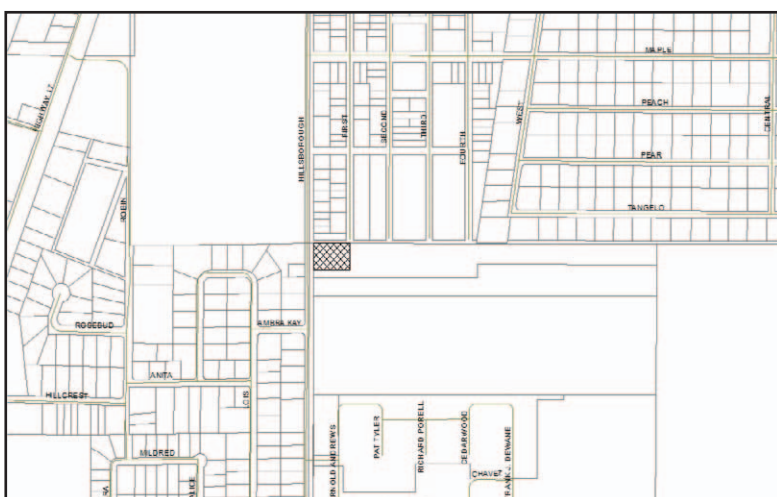
1. Ordinance, Maria’s Rentals LLC, Rezone (RZNE-0046-2023)

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, MARIA’S RENTALS LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0046-2023) BY CHANGING THE ZONING DISTRICT OF +/- 41.08 ACRES FROM PLANNED UNIT DEVELOPMENT (PUD) TO RESIDENTIAL MULTI-FAMILY -8 (RMF-8) ON PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY, AT 5906 SE RESIDENTIAL WAY; THE PROPERTY IDENTIFICATION NUMBER BEING 27-38-25-0000-0072-0000; AND PROVIDING FOR AN EFFECTIVE DATE.



2. Ordinance, Debra Brantley, Rezone (RZNE-0082-2026)

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, DEBRA BRANTLEY, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0082-2026) BY CHANGING THE ZONING DISTRICT OF +/- 1.13 ACRES FROM AGRICULTURAL - 5 (A-5) TO RESIDENTIAL SINGLE FAMILY-1 (RSF-1) FOR PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY, 2038 SE HILLSBOROUGH AVENUE, THE PROPERTY IDENTIFICATION NUMBER BEING 07-38-25-0000-0674-0000; AND PROVIDING FOR AN EFFECTIVE DATE.





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PUBLIC HEARING NOTICE OF INTENT TO CONSIDER ADOPTION OF CITY OF NORTH PORT ORDINANCE NO. 2026-14

NOTICE IS HEREBY GIVEN that the City Commission of the City of North Port, Florida will hold a public hearing beginning at **10:00 a.m.** or shortly thereafter, on **Tuesday, May 5, 2026** in the City Chambers located at 4970 City Hall Boulevard, North Port, Florida to consider and act upon the adoption of the following proposed City

Ordinance No. 2026-14:

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE NON-DISTRICT BUDGET AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2025-2026 TO INCREASE PARK IMPACT FEE FUNDED PROJECT P24LTC LEGACY TRAIL CONNECTION TO WARM MINERAL SPRINGS IN THE AMOUNT OF \$125,000; PROVIDING FOR FINDINGS; PROVIDING FOR POSTING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed Ordinance is on file in the Office of the City Clerk for inspection by the public between the hours of 8 a.m. to 4 p.m., Monday through Friday.

All interested parties may attend the meeting and be heard with respect to the proposed Ordinances.

This public hearing may be continued from time to time.

No stenographic record by a certified court reporter is made of these meetings. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the meeting(s) or hearing(s) noticed herein, he/she will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The North Port City Hall is accessible in accordance with the Americans with Disabilities Act (ADA). Designated, accessible parking is available on the west side of City Hall, with building access from the parking area. Any person requiring a reasonable accommodation to participate in this meeting is asked to contact the City Clerk’s Office at least 48 hours in advance by email at cityclerk@northportfl.gov or by telephone at (941) 429-7270. Persons using TTY/TDD may access this number via the Florida Relay Service by dialing 711. Accommodations are provided at no cost. Translation services are available at no cost. We ask that requests be made at least 48 hours in advance by email at cityclerk@northportfl.gov or by telephone at (941) 429-7270. lay Service at 711).

/s/
Heather Faust, MMC
City Clerk

Publish: April 24, 2026



DeSoto County

5/5/2026

Item #: 2.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Minutes

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Bill Martin

TITLE & DESCRIPTION:

Planning Commission Meeting Minutes from April 7, 2026

REQUESTED MOTION:

A motion to approve the Planning Commission meeting minutes from the April 7, 2026 meeting.

SUMMARY:

Click or tap here to enter text.

BACKGROUND:

Click or tap here to enter text.



DeSoto County

Planning Commission

Meeting Minutes - Draft

Tuesday, April 7, 2026

5:30 PM

CALL TO ORDER

Acting Chairman Allen Ressor called the meeting to order at 5:32pm.

PLEDGE OF ALLEGIANCE

Acting Chairman Allen Ressor led the Pledge of Allegiance.

ROLL CALL

Present	Council Member Erik Howard, Council Member Lynn Banish, Council Member Allen Ressor, and Council Member Theresa Collins-Hill
Excused	Ex officio LPA school board appointee Jami Schueneman
Absent	Chairperson Bill Martin

SET OR AMEND THE AGENDA

A motion was made by Council Member Howard, seconded by Council Member Collins-Hill, to approve the set agenda. The motion carried by the following vote:

Aye:	Council Member Howard, Council Member Banish, Council Member Ressor, and Council Member Collins-Hill
Absent:	Chairperson Martin

PUBLIC FORM FOR NON-AGENDA ITEMS

PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION

1. Proof of Publication

Attachments: [Publisher's Affidavit](#)
 [Tear Sheet](#)

A motion was made by Council Member Howard, seconded by Council Member Collins-Hill, that this Proof of Publication be approved. The motion carried by the following vote:

Aye:	Council Member Howard, Council Member Banish, Council Member Ressor, and Council Member Collins-Hill
Absent:	Chairperson Martin

MEETING MINUTES

2. Planning Commission meeting minutes from March 3, 2026

Attachments: [3-3-2026 PC Meeting Minutes-Draft](#)

A motion was made by Council Member Howard, seconded by Council Member Collins-Hill, that the Minutes be approved. The motion carried by the following vote:

Aye: Council Member Howard, Council Member Banish, Council Member Reesor, and Council Member Collins-Hill

Absent: Chairperson Martin

DEVELOPMENT DIRECTOR COMMENTS

Misty Servia, Planning Director reminded the Board of the next Planning Commission meeting will be held on may 5, 2026 at 5:30pm. She advised and encouraged all board members to attend the Board of County Commissioners Comprehensive Plan Workshop being held on April 14, 2026 at 1pm.

ACTION ITEMS**3. Resolution / Ozer Properties LLC / Special Exception (USE-0206-2025)**

Attachments: [2026-03-24 USE-0206-2025 Ozer SR for PC](#)
[Location Map](#)
[FLUM](#)
[ZONING MAP](#)
[SITE-PLAN 2025-10-22](#)
[2026-03-24 USE-0206-2025 Ozer RESO for PC](#)

Valerie Vicente County Attorney attended the meeting via telephone and explained county procedures for Quasi-Judicial and Ex Parte Communication. Commissioners all then gave a brief list of constituents they have had correspondence with via phone, e-mail or in person as well as time and dates of any site visits. The Clerk administered the Oath to all who wished to speak at the hearing. Misty Sevia, Planning Director, presented two related applications to the Planning Commission: a rezoning request and a special exception. She explained that both applications must be considered together per the comprehensive plan, and the motion should either approve or deny both items as a single action, as they cannot be decided separately. Servia's presentation described a Special Exception request for a concrete pavers manufacturing facility on a 42.286-acre property and a rezone from Agricultural-10 (A-10) to Industrial Heavy (IH). She highlighted that a small amount of the site along Wood Street is located in the Rural/Agricultural Future Land Use Category and most of the site is designated Employment Center and portions are located in Conservation Overlay Designation. The concept plan shows two industrial buildings, an office, and a security building totaling 52,250 square feet, in addition to an outdoor storage area, silos, conveyor systems, parking and on-site well and septic utilities. The project is part of a Rapid Response Pilot Project with the Desoto County Economic Development Department and is anticipated to create 15-20 new full-time jobs. The application can be found to meet zoning, site plan, and comprehensive plan standards, if approved with the recommended with conditions. The applicant, represented by a Florida Design Consultants, followed with a presentation describing the applicant's existing paver manufacturing business in Tampa, which has been in operation for six years. All manufacturing

processes at the subject site will take place inside of a fully enclosed building. Concrete will be delivered to on-site silos, mixed and cured indoors, and finished products are staged outdoors only for delivery. Raw materials (aggregate) are stored outdoors in the storage area. Process water and dust are contained within the building, and wastewater requiring treatment is handled through state-mandated sanitary systems. Closed system of delivering cement minimizes emissions. The applicant emphasized that the proposed facility would serve the Southwest Florida region, reducing freight costs for existing customers. Initial employment is projected at five to ten people, with potential growth over time. The applicant also committed to voluntary acceptance of the staff recommended conditions, including right-of-way reservation, buffer installation, fencing, and a future traffic study. During the hearing, the Planning Commission raised questions regarding traffic, road width, the railroad crossing, parking, semi-truck access, turning radius and passing on narrow road, dust mitigation, and noise control. The applicant explained that closed systems and indoor operations would effectively contain dust and noise, while stormwater and process water would be handled separately to ensure environmental compliance. Public comments reflected concerns about compatibility, traffic safety, road conditions, noise, vibration, dust and potential reduction in property values. Community members emphasized the importance of preserving the rural residential character of the area and maintaining safety and quality of life. A motion was made by Commissioner Howard, seconded by Commissioner Hill to close the public comment portion of the meeting. The motion carried unanimously. The planning commission's deliberation highlighted the need to balance the applicant's business objectives with community concerns, emphasizing infrastructure improvements, dust and noise mitigation, and traffic concerns due to the road being so narrow. Additional considerations mentioned were floodplain and drainage management, hazardous-material restrictions, and ensuring zoning and land-use compatibility. Misty Servia summarized the key points and noted that they would be included in the staff report. She also indicated plans to follow up with the school district regarding a nearby bus stop.

A motion for denial was made by Member Banish, seconded by Member Collins-Hill, which carried 4-0.

Aye: Council Member Howard, Council Member Banish, Council Member Reesor, and Council Member Collins-Hill

Absent: Chairperson Martin

4. Ordinance / Ozer Properties LLC / Rezone (RZNE-0064-2025)

- Attachments:** [2026-01-27 RZNE 0064-2025 Ozer SR for PC](#)
[Location Map](#)
[FLUM](#)
[ZONING MAP](#)
[Exhibit E RZNE 0064 2025 Comp Plan Policies](#)
[2026-01-27 RZNE-0064-2025 Ozer ORD for PC](#)

PLANNING COMMISSION MEMBER REMARKS

NEXT MEETING

ADJOURNMENT

Being no further business before the Planning Commission, Chairperson Martin adjourned the meeting at 8:40PM

 ACTING CHAIRPERSON
 ALLEN RESSOR

 DATE
 04-07-2026

5. Planning Commission Documents 04-07-2026

- Attachments:** [PZ Public meeting speaker cards](#)
 [1428 2025-0052-USE-Comment-Responses-2025-10-22](#)
 [1428 SITE-PLAN 2025-10-22](#)
 [Ozer Properties Traffic Study 10-20-25 ss](#)
 [Universal Hardscapes, LLC Air Permit Exemption](#)
 [Determination_4.26.2019 \(2\) 1](#)
 [Narratives 1](#)
 [PZ Public Meeting Documents](#)

NOTE: For quasi-judicial matters, any party desiring a verbatim record of the proceeding of this hearing for the purpose of an appeal is advised to make private arrangements for the production of a record and anyone wishing to present documents or other written evidence to the Board must provide eight (8) copies of the written material. If special accommodations are required in accordance with the Americans with Disabilities Act, individuals should contact the County Administrator’s Office by calling 863-993-4800 at least forty-eight hours prior to the hearing.



DeSoto County

5/5/2026

Item #: 3.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Other

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Laura McClelland

TITLE & DESCRIPTION:

Ordinance / Debra Brantley / Rezone (RZNE-0082-2026)

REQUESTED MOTION:

A motion to enter into the record this development review report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt/deny the findings and conclusions contained herein, and adopt/deny the proposed ordinance.

SUMMARY:

The request is for an Official Zoning District Atlas Amendment (Rezone), application (RZNE-0082-2026) filed by the Owners, Ronald Lee Brantley and Debra Brantley, to change the zoning of ±1.13 acres from Agricultural-5 (A-5) to Residential Single Family-1 (RSF-1).

The property is generally located in central DeSoto County on the east side of SW Hillsborough Avenue and in the Low Density Residential Future Land Use Category.

BACKGROUND:

The applicant has filed the rezoning application as a needed step to qualify for a building permit under the Rebuild Florida Housing Repair and Replacement Program, funded by the US Department of Housing and Urban Development (HUD) to help eligible homeowners repair, rebuild, or replace homes damaged by major storms. The owner is receiving assistance from this program. The application for rezone was submitted to the Development Department by Ronald Lee Brantley and Debra Brantley and accepted on February 10, 2026.

The Interim 2040 Future Land Use Map of the Comprehensive Plan shows the subject property is located in the Low Density Residential Future Land Use Category and the Official Zoning District Atlas shows the land is zoned Agricultural-5 (A-5).

ITEM #: 3.

The subject property is non-conforming due to the size (5 acres minimum required) but it is unclear when the 1.13-acre parcel was created. Research on the Property Appraiser's website shows the parcel has existed since May 1, 2003, according to a recorded Quit Claim Deed (Book 543 Page 121).

Approval of the proposed rezoning will bring the subject property into compliance with the minimum standards of the Residential Single Family-1 (RSF-1) district and eliminate the non-conformity for the subject property.



DESOTO COUNTY DEVELOPMENT DEPARTMENT

STAFF REPORT –OFFICIAL ZONING DISTRICT ATLAS AMENDMENT

CASE INFORMATION

Application No.:	RZNE-0082-2026
Request:	Rezone from A-5 to RSF-1
Owner/Applicant:	Ronald Lee Brantley and Debra Brantley
Property Address:	2038 SE Hillsborough Avenue, Arcadia FL 34266
Parcel ID No.:	07-38-25-0000-0674-0000
Parcel Size:	1.13 acres
Future Land Use (FLU):	Low Density Residential
Current Zoning:	Agricultural-5
Proposed Zoning:	Residential Single Family-1
Overlay District:	None

EXECUTIVE SUMMARY

The request is for an Official Zoning District Atlas Amendment (Rezone), application (RZNE-0082-2026) filed by the Owners, Ronald Lee Brantley and Debra Brantley, to change the zoning of ±1.13 acres from Agricultural-5 (A-5) to Residential Single Family-1 (RSF-1).

The property is generally located in central DeSoto County on the east side of SW Hillsborough Avenue and in the Low Density Residential Future Land Use Category.

The DeSoto County Land Development Regulations Article XI, Division 7 requires the Planning Commission/Local Planning Agency to hold at least one public hearing with due public notice on a rezoning application and to make a recommendation on the application to the Board of County Commissioners (Board), the authorizing body.

I. BACKGROUND

The applicant has filed the rezoning application as a needed step to qualify for a building permit under the Rebuild Florida Housing Repair and Replacement Program, funded by the US Department of Housing and Urban Development (HUD) to help eligible homeowners repair, rebuild, or replace homes damaged by major storms. The owner is receiving assistance from this program. The application for rezone was submitted to the Development Department by Ronald Lee Brantley and Debra Brantley and accepted on February 10, 2026.

The Interim 2040 Future Land Use Map of the Comprehensive Plan shows the subject property is located in the Low Density Residential Future Land Use Category and the Official Zoning District Atlas shows the land is zoned Agricultural-5 (A-5).

The subject property is non-conforming due to the size (5 acres minimum required) but it is unclear when the 1.13-acre parcel was created. Research on the Property Appraiser's website shows the parcel has existed since May 1, 2003, according to a recorded Quit Claim Deed (Book 543 Page 121).

Approval of the proposed rezoning will bring the subject property into compliance with the minimum standards of the Residential Single Family-1 (RSF-1) district and eliminate the non-conformity for the subject property.

II. PROPOSED ORDINANCE

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, DEBRA BRANTLEY, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0082-2026) BY CHANGING THE ZONING DISTRICT OF +/- 1.13 ACRES FROM AGRICULTURAL - 5 (A-5) TO RESIDENTIAL SINGLE FAMILY-1 (RSF-1) FOR PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY, 2038 SE HILLSBOROUGH AVENUE, THE PROPERTY IDENTIFICATION NUMBER BEING 07-38-25-0000-0674-0000; AND PROVIDING FOR AN EFFECTIVE DATE.

II. DATA & ANALYSIS

In all quasi-judicial proceedings, the applicant shall bear the burden of demonstrating by competent and substantial evidence that the application satisfies the standards and requirements of the LDR and the Comprehensive Plan. LDR Article XI, Administration and Enforcement, Division 7 addresses Official Zoning District Atlas (rezoning) amendment and text amendment applications. LDR Section 20-1650 defines the Official Zoning District Atlas as scaled-based maps of the unincorporated area of the County depicting the land features, roads and property lines overlaid with zoning district boundaries adopted by the DeSoto County Board of County Commissioners, certified and dated by the Board Chairman, as may be amended from time to time. Zoning District symbols are depicted within each boundary.

A. Comprehensive Plan Consistency

The rezoning application can be found to be consistent with the following Comprehensive Plan policies:

FLUE Objective 1.1: Land Use Categories Established. The generalized land use categories depicted in the Interim 2040 Future Land Use Map Series are intended to establish varying degrees of environmental protection and intensity of development, transitioning from the

natural environment to the most intense development areas by gradually increasing density and urban character.

FLUE Policy 1.1.2: *Land Use Categories.* The County shall implement the following land use categories as shown on the Future Land Use Map.

Land Use Categories	Base Density/Intensity
Low Density Residential	Up to 2 du/acre

Consistency analysis: The property is currently designated Low Density Residential Land Use on the Future Land Use Map and the proposed rezone to RSF-1 will allow one residence on the property, consistent with the density limitations.

*Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.*

Policy 1.1.11: Rezoning. The zoning amendment criteria in the Land Development Regulations shall be used to determine if a rezoning request to a new district is appropriate for a given property, in accordance with the comprehensive plan. The following general criteria, at a minimum, will be considered as part of the rezoning review process:

- (1) Location, availability and capacity of public services and facilities.
- (2) Proximity to similar densities/intensities.
- (3) Location within transportation network.
- (4) Environmental protection.

Consistency analysis: The rezoning review process has considered the above criteria. Public utilities are not available to this site. There does not appear to be a negative impact to existing or planned public infrastructure. The proximity of potential development to the surrounding area has been considered and can be found to be compatible in terms of similar density. The area to the north is developed with the El Dorado Mobile Home Park containing very small lots. There is a single-family subdivision (Ambra Kay) located to the west with lots that average 0.5 acre. The proposed rezone to RSF-1 is more consistent with the established development patterns than the existing A-5 zoning. The subject property is acceptably located within the transportation network with access available to SW Hillsborough Avenue. The site is not located in the Conservation Overlay Designation (COD) and therefore environmental issues are not an issue for consideration of the rezone. The rezoning review has considered LDR Section 20-128 Residential Single-Family District standards and the requirements therein.

*Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.*

Objective 1.4: Low-Density Residential Use Category Defined. The Low Density Residential Use category consists of low-density residential uses in progressive degrees of urban intensity with higher density in areas adjacent to the Medium Density Residential, Mixed Use Centers, General Mixed Use Centers and less density/intensity in areas adjacent to the Rural/Agricultural categories.

B. Compatibility Analysis

Directions	Future Land Use	Zoning District	Types of Land Uses
Site	Low Density Residential	Agricultural-5 (A-5)	Single-family home
North	Low Density Residential	Residential Multi Family Mixed (RMF-M)	Mobile homes
South	Low Density Residential	Agricultural-5 (A-5)	Nursery
East	Low Density Residential	Agricultural-5 (A-5)	Nursery
West	Low Density Residential	Residential Multi Family-6 (RMF-6)	Single family home & Tri-plex

The Compatibility Analysis Table illustrates that the surrounding uses can be found to be generally consistent with the Low Density Residential Future Land Use Category. The LDR provides specific minimum lot area and lot width, maximum density, minimum yard requirements, and maximum impervious lot coverage for the Residential Single Family zoning district to help to ensure compatibility between uses.

Consistency analysis: The proposed zoning generally aligns with the range of permitted uses allowed in the proposed zoning and uses in the area.

*Based on the above findings, it is concluded the application can be found to be **consistent** with this policy.*

C. Rezoning Criteria

Planning Commission Report. LDR Section 20-1498(a) provides that the report and recommendations of the Planning Commission to the Board of County Commissioners shall

show that the Planning Commission has studied and considered the proposed change in relation to the 15 factors listed below and staff offers a consistency analysis of each.

Criteria	Details	Yes Consistent for Approval	No Inconsistent Does not support approval
(1) Whether the proposed change would be consistent with the Comprehensive Plan.	The rezone to RSF-1 is consistent with the Low Density Residential Future Land Use category, which is the first step in evaluating the rezone request.	X	
(2) The existing land use pattern.	The compatibility table shows the existing land use pattern is comprised of smaller residential lots to the north and west, zoned RMF-M, & RMF-6, and larger lots to the south and east, zoned A-5. The rezoning of this property to RSF-1 can be found to be an appropriate extension of the existing land use pattern.	X	
(3) The creation of an isolated district unrelated to adjacent and nearby districts.	While there is no RSF-1 zoning contiguous to this site, the site is adjacent to residential zoning, located to the north and west. The RMF- M and the RMF-6 zoning requires a minimum lot size of 7,260 square feet and permits single family, duplexes, and multi-family residential. The RSF-1 district required a larger minimum lot size (43,560 square feet) and allows a single-family home. The proposed zoning can be found to be more consistent with the nearby districts than the existing A-5 zoning. Approval of the rezone to RSF-1	X	

	will not create an isolated district and can be found to be appropriate.		
(4) The impact on the availability of adequate public facilities consistent with the level of service standards adopted in the comprehensive plan, and as defined and implemented through the County concurrency regulations.	The rezoning of an existing lot will not impact the availability of adequate public facilities, nor negatively impact the level of service standards.	X	
(5) Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for changes.	The existing A-5 zoning district boundaries that encompass the subject property are illogically drawn and the site is non-conforming in size due to the existing zoning. Rezoning the property to RSF-1 will correct this inconsistency.	X	
(6) Whether changed or changing conditions make the passage of the proposed amendment necessary.	While it is unclear when the subject lot was created, rezoning the property will rectify the existing non-conformity and allow the improvements to the property. The area has continued to transition from agricultural uses to a residential pattern supporting the change in zoning. There is currently a single-family residence on the property that has significant hurricane damage; and rezoning the land to RSF-1 will allow the replacement of the home.	X	
(7) Whether the proposed change will adversely influence living	The rezoning will not adversely influence living conditions in the area, RSF-1 zoning is compatible with the	X	

conditions in the area.	area and consistent with the established development pattern.		
(8) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.	The rezoning will not negatively impact traffic or public safety, as development will not be intensified on the property.	X	
(9) Whether the proposed change will create a drainage problem.	The rezoning will not impact drainage and is exempted from any State permitting from the Department of Environmental Protection. The FEMA flood map for this area is number 12027C0178C, effective on 11/06/2013. Based upon the flood maps, the property is located in Zone X.	X	
(10) Whether the proposed change will seriously reduce light and air to adjacent areas.	The rezoning will not have an impact on reducing light and air to adjacent areas	X	
(11) Whether the proposed change will adversely affect property values in the adjacent area.	The rezone to RSF-1 will not adversely affect property values.	X	
(12) Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.	Changing the zoning to RSF-1 will not be detrimental to the improvement or development of adjacent property.	X	

<p>(13) Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.</p>	<p>The proposed change will not grant a special privilege to an individual owner as contrasted to the public welfare. The rezoning has been reviewed against the standard requirements of the Comprehensive Plan and Land Development Regulations and found to be appropriate.</p>	<p>X</p>	
<p>(14) Whether there are substantial reasons why the property cannot be used in accord with existing zoning.</p>	<p>The property cannot receive a building permit to replace the hurricane damaged home onsite because the lot size is inconsistent with the minimum standard of the A-5 district. Rezoning the site to RSF-1 can be found to be appropriate based on an evaluation of the rezoning criteria contained in the LDR and will allow the property owner to rebuild their home.</p>	<p>X</p>	
<p>(15) Whether the change suggested is out of scale with the surrounding area.</p>	<p>The proposed rezone to RSF-1 is not out of scale with the surrounding area and approval of the RSF-1 zoning allows for development that is at an appropriate scale for the area. An RSF-1 zoned lot will provide a good transition in lot size from the smaller lots located to the north and west to the larger parcels zoned A-5, located to the east.</p>	<p>X</p>	

IV. FINDINGS & CONCLUSIONS

1. The subject property consists of a 1.13-acre site located in central DeSoto County, on the east side of SE Hillsborough Avenue.
2. The Interim 2040 Future Land Use Map shows the subject property is designated Low Density Residential.
3. The Official Zoning District Atlas shows the subject property is currently zoned Agricultural-5 (A-5), 1 dwelling unit per 5 acres.

4. On February 10, 2026, an Official Zoning District Atlas amendment application (RZNE-0082-2026) was filed by the owners, Ronald Lee Brantley and Debra Brantley, which application proposes to change the zoning district to Residential Single Family-1 (RSF-1), 1 dwelling units per acre.
5. Public notice was provided in accordance with LDR Section 20-1496(b) for the Planning Commission/LPA public hearing on May 5, 2026.
6. The application has been reviewed against the Comprehensive Plan and can be found to be consistent with the applicable policies.

V. STAFF EVALUATION

In summary, the rezoning application can be found to be consistent with the 15 factors contained in Section 20-1498(a) of the Land Development Regulations.

VI. ALTERNATIVE ACTIONS FOR THE PLANNING COMMISSION

1. Motion to enter into the record the staff report, and all other competent substantial evidence submitted at the hearing and recommend approval the application for rezone.
2. Motion to enter into the record the staff report, and all other competent substantial evidence submitted at the hearing and recommend denial the application for rezone.

VII. HEARING SCHEDULE

- Planning Commission: Scheduled for May 5, 2026.
- Board of County Commissioners: Scheduled for May 26, 2026.

ATTACHMENTS

- Exhibit A – Location Map
- Exhibit B – FLU Map
- Exhibit C – Zoning Atlas Map



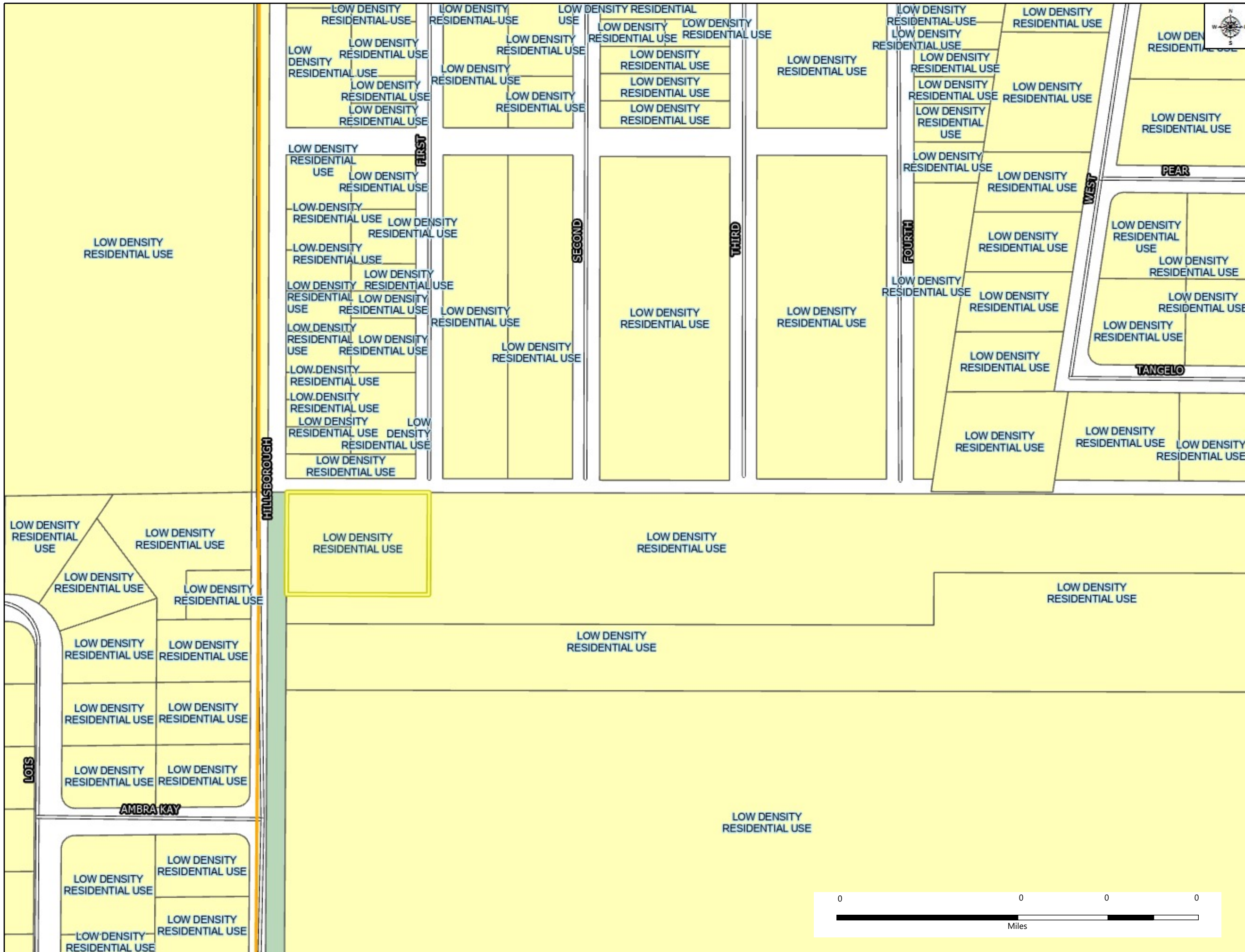
Location Map

- Street Labels
- Major Road Labels
- County Boundary
- Major Roads
- Streets
- Parcels

February 23, 2026

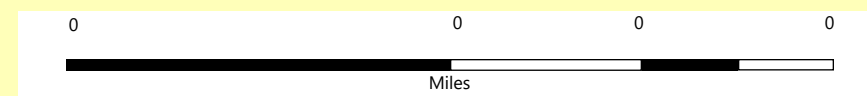


Prepared By
HORNER SHIFRIN



- Street Labels
- Major Road Labels
- FLUM Labels
- County Boundary
- Major Roads
- Streets
- Parcels
- FLUM 2040
 - Preservation
 - Rural/Agriculture
 - Low Density Residential
 - Medium Density Residential
 - Neighborhood Mixed Use
 - Employment Center
 - Commercial
 - Urban Center Mixed Use
 - Public Land/Institutional
 - Electrical Generating Facility

February 23, 2026



Zoning Map



- Street Labels
Major Road Labels
Zoning Labels
Zoning Designation
- A-10
 - A-5
 - CE
 - CG
 - CITY
 - CN
 - IH
 - IL
 - ILE
 - MHP
 - MHS
 - P/I
 - PM-1
 - PUD
 - RM
 - RMF-12
 - RMF-6
 - RMF-8
 - RMF-M
 - ROI
 - RSF

February 23, 2026

DESOTO COUNTY, FLORIDA
ORDINANCE 2026- _____

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, DEBRA BRANTLEY, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0082-2026) BY CHANGING THE ZONING DISTRICT OF +/- 1.13 ACRES FROM AGRICULTURAL – 5 (A-5) TO RESIDENTIAL SINGLE FAMILY-1 (RSF-1) FOR PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY, 2038 SE HILLSBOROUGH AVENUE, THE PROPERTY IDENTIFICATION NUMBER BEING 07-38-25-0000-0674-0000; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is owned by Ronald Lee Brantley and Debra Brantley, and consists of +/- 1.13-acres, generally located in central DeSoto County, at 2038 SE Hillsborough Avenue, the Property Identification Number being 07-38-25-0000-0674-0000 (Exhibit A); and

WHEREAS, the Interim 2040 Future Land Use Map shows the +/- 1.13-acre parcel is designated Low Density Residential Future Land Use Category (Exhibit B); and

WHEREAS, an Official Zoning District Atlas amendment application was filed with the Development Department, to change the zoning district of the property from Agricultural -5 (A-5) to Residential Single Family-1 (RSF-1) (Exhibit C); and

WHEREAS, consistent with LDR Sections 20-1497 and 20-1498, the Development Director prepared a Development Review Report addressing the factors the Planning Commission must consider when making a recommendation to the Board of County Commissioners on an Official Zoning District Atlas amendment application; and

WHEREAS, consistent with LDR Section 20-1502, the Development Director caused a duly noticed public hearing to be published at least ten calendar days before the May 5, 2026 Planning Commission meeting; and

WHEREAS, on May 5, 2026 Planning Commission hearing, the Commission entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, adopted the findings and conclusions contained therein, and forwarded the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted as presented; and

WHEREAS, on May 26, 2026 the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZNE-0082-2026, and the Board considered the Development Review Report and recommendation, the Planning Commission recommendation and all substantial competent evidence presented at the Planning Commission hearing, all other competent substantial evidence presented at the Board public hearings, and determined that the application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations and all other applicable regulations; and

WHEREAS, the Board finds adoption of this Ordinance is in the best interest of the residents of DeSoto County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. *Incorporation.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Ordinance. In addition, the Development Review Report is the findings and conclusions to support the adoption of this ordinance and is incorporated herein by reference.

Section 2. *Property description.* A +/- 1.13-acre property generally located in central DeSoto County, at 2038 SE Hillsborough Avenue, the Property Identification Number being 07-38-25-0000-0674-0000.

Section 3. *Rezoning approval,* Ronald Lee Brantley and Debra Brantley, owners, are hereby granted an Official Zoning District Atlas amendment (RZNE-0082-2026) changing the zoning district of +/- 1.13-acres from Agricultural -5 (A-5) to Residential Single Family-1 (RSF-1),

Section 4. The Development Department is hereby directed to amend the Official Zoning District Atlas to codify the change approved by this Ordinance.

Section 5. This Ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED in DeSoto County, Florida on this 26th day of May, 2026.

ATTEST:

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

By: _____
Mandy J. Hines
County Administrator

By: _____
Steve Hickox, Chair
Board of County Commissioners

Approved as to Form and Correctness:

By: _____
Valerie Vicente,
County Attorney

Exhibit A: Location Map



Exhibit B: FLUM 2040



Exhibit C: Zoning Map





DeSoto County

5/5/2026

Item #: 4.

- Consent Agenda Quasi-Judicial Public Hearing
 Regular Business 5:30 pm
 Public Hearing Other

DEPARTMENT: Planning & Zoning
SUBMITTED BY: Laura McClelland
PRESENTED BY: Misty Servia

TITLE & DESCRIPTION:

Ordinance / Maria's Rentals / Rezone (RZNE-0046-2023)

REQUESTED MOTION:

A motion to enter into the record this development review report and all other competent substantial evidence presented at the hearing and make a recommendation to the Board of County Commissioners to adopt/deny the findings and conclusions contained herein, and adopt/deny the proposed ordinance.

SUMMARY:

The request is an Official Zoning District Atlas amendment (rezoning) application (RZNE-0046-2023) filed by the Owner, Maria's Rentals LLC, to change the zoning district of +/- 41.08 acres from Planned Unit Development (PUD) to Residential Multi-Family - 8 (RMF-8).

The property is located in the Urban Center Mixed Use Future Land Use Category and generally located in central DeSoto County, west of SE Highway 31.

BACKGROUND:

The application is a request to amend the Official Zoning District Atlas by changing the zoning district of +/- 41.08 acres from Planned Unit Development (PUD) to Residential Multi-family - 8 (RMF-8) district in the Urban Center Mixed Use Future Land Use category. The parcel, currently developed with 16 single-family homes on one parcel, that were built between the 1940's and 1960's, and was one of the original Power Auto Corp parcels that was known as the "Residence" parcel, located in the NE portion of the original Power Auto site. The larger area has a long history and was originally home to a US Army Air Corps airfield, then later a State mental hospital. Maria's Rentals LLC purchased the land on July 25, 2019.

PROPERTY HISTORY:

ITEM #: 4.

February 24, 2015: Board approved SE-2015-01 (Resolution No. 2015-25) to allow multiple uses in the A-10 zoning district.

April 28, 2015: Rezone from A-10 to PUD with a Concept Development Plan (RZNE-2015-03) (Resolution 2015-41) approved for the GPW property, which includes the subject property.

July 19, 2019: County approves Minor Administrative Subdivision Plat (PLAT-0006-2019)

The County subsequently determined that the Concept Development Plan associated with Resolution 2015-41 had lapsed, as no significant construction had occurred within 5 years of the time of the PUD enactment as required by Sec. 20-144(f)(10)(c)(4). Additionally, as a result of Power Auto selling portions of the GPW property to third parties, the Concept Development Plan associated with Resolution 2015-41 could never be developed as originally contemplated and approved, which has resulted in the need for each property owner to rezone their property and receive a separate development order.

Remedying the lapsed PUD approval is challenging for the subject land. The applicant described their intention to rehabilitate the 16 dwelling units as the reason for the rezoning request, but approval of the RMF-8 rezone will allow the owner to redevelop the 41.08 acres with up to 205 units (per the base density allowance of 5 du/acre per acre under the Urban Center Future Land Use Category).

The maximum density of 8 du/acre, allowed by the RMF-8 zoning, cannot be achieved without Board approval of a density bonus, as density is governed by the Future Land Use Category (FLUC).

The Land Development Regulations have several zoning districts that allow multi-family units, but they don't align well with the Urban Center FLUC and none limit density below the 5 du/ac referenced in the FLUC.

The maximum density allowance in each of these zoning districts exceeds the 5 du/acre base density limitation of the FLUC:

Residential Multifamily District 6 (RMF-6)

Residential Multifamily District 8 (RMF-8)

Residential Multifamily District 12 (RMF-12)

Residential-Office-Institutional District (ROI): Maximum Density is 12 du/ac

The following zoning districts exist, but new zoning atlas amendments to these categories are prohibited:

Residential Mixed District (RM): (No new RM Districts)

Residential Multifamily Mixed District (RMF-M) (No new districts)

A new PUD rezoning is an alternative but also presents challenges.



*DESOTO COUNTY DEVELOPMENT DEPARTMENT
STAFF REPORT*

CASE #: RZNE-0046-2023

REQUEST: Rezoning from Planned Unit Development (PUD) to Residential Multi-Family - 8 (RMF-8)

PROPERTY OWNER: Maria's Rentals LLC
48 Meadow Way
Frostproof, FL 33843

PROPERTY ID: 27-38-25-0000-0072-0000

PROPERTY ADDRESS: 5906 SE Residential Way
Arcadia, FL 34266

TOTAL PARCEL SIZE: +/- 41.08 acres

FUTURE LAND USE DESIGNATION: Urban Center Mixed Use

DEVELOPMENT REVIEW REPORT

The request is an Official Zoning District Atlas amendment (rezoning) application (RZNE-0046-2023) filed by the Owner, Maria's Rentals LLC, to change the zoning district of +/- 41.08 acres from Planned Unit Development (PUD) to Residential Multi-Family - 8 (RMF-8).

The property is located in the Urban Center Mixed Use Future Land Use Category and generally located in central DeSoto County, west of SE Highway 31.

The DeSoto County Land Development Regulations Article XI, Division 7 requires the Planning Commission/Local Planning Agency to hold at least one public hearing with due public notice on a rezoning application and to make a recommendation on the application to the Board of County Commissioners (Board).

I. BACKGROUND

The application is a request to amend the Official Zoning District Atlas by changing the zoning district of +/- 41.08 acres from Planned Unit Development (PUD) to Residential Multi-family - 8 (RMF-8) district in the Urban Center Mixed Use Future Land Use category. The parcel, currently developed with 16 single-family homes on one parcel, that were built between the 1940's and 1960's, and was one of the original Power Auto Corp parcels that was known as the "Residence" parcel, located in the NE portion of the original Power Auto site. The larger area has a long history and was originally home to a US Army Air Corps airfield, then later a State mental hospital. Maria's Rentals LLC purchased the land on July 25, 2019.

PROPERTY HISTORY:

February 24, 2015: Board approved SE-2015-01 (Resolution No. 2015-25) to allow multiple uses in the A-10 zoning district.

April 28, 2015: Rezone from A-10 to PUD with a Concept Development Plan (RZNE-2015-03) (Resolution 2015-41) approved for the GPW property, which includes the subject property.

July 19, 2019: County approves Minor Administrative Subdivision Plat (PLAT-0006-2019)

The County subsequently determined that the Concept Development Plan associated with Resolution 2015-41 had lapsed, as no significant construction had occurred within 5 years of the time of the PUD enactment as required by Sec. 20-144(f)(10)(c)(4). Additionally, as a result of Power Auto selling portions of the GPW property to third parties, the Concept Development Plan associated with Resolution 2015-41 could never be developed as originally contemplated and approved, which has resulted in the need for each property owner to rezone their property and receive a separate development order.

Remedying the lapsed PUD approval is challenging for the subject land. The applicant described their intention to rehabilitate the 16 dwelling units as

the reason for the rezoning request, but approval of the RMF-8 rezone will allow the owner to redevelop the 41.08 acres with up to 205 units (per the base density allowance of 5 du/acre per acre under the Urban Center Future Land Use Category).

The maximum density of 8 du/acre, allowed by the RMF-8 zoning, cannot be achieved without Board approval of a density bonus, as density is governed by the Future Land Use Category (FLUC).

The Land Development Regulations have several zoning districts that allow multi-family units, but they don't align well with the Urban Center FLUC and none limit density below the 5 du/ac referenced in the FLUC.

The maximum density allowance in each of these zoning districts exceeds the 5 du/acre base density limitation of the FLUC:

Residential Multifamily District 6 (RMF-6)

Residential Multifamily District 8 (RMF-8)

Residential Multifamily District 12 (RMF-12)

Residential-Office-Institutional District (ROI): Maximum Density is 12 du/ac

The following zoning districts exist, but new zoning atlas amendments to these categories are prohibited:

Residential Mixed District (RM): (No new RM Districts)

Residential Multifamily Mixed District (RMF-M) (No new districts)

A new PUD rezoning is an alternative but also presents challenges.

II. PROPOSED ORDINANCE

An Ordinance of the DeSoto County, Florida Board of County Commissioners amending the Official Zoning Atlas identified in Land Development Regulations Article 2, Zoning Districts and Requirements, Section 20-31, Establishment of Zoning Districts; granting to the Applicant, Maria's Rentals LLC, an Official Zoning District Atlas amendment (RZNE-0046-2023) by

changing the zoning district of +/- 41.08 acres from Planned Unit Development (PUD) to Residential Multi-family-8 (RMF-8) on property generally located in central DeSoto County, at 5906 SE Residential Way; the Property Identification Number being 27-38-25-0000-0072-0000; and providing for an effective date.

III. LDR REZONING ANALYSIS

Planning Commission Report. LDR Section 20-1498(a) provides that the report and recommendations of the Planning Commission to the Board of County Commissioners shall show that the Planning Commission has studied and considered the proposed change in relation to the 15 factors listed below and staff offers a consistency analysis of each.

1. Whether the proposed change would be consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

Consistency analysis: The Planning Director has reviewed the application against the Goals, Objectives, and Policies of the Comprehensive Plan in Exhibit E and finds and concludes the following.

The existing PUD zoning district is consistent with the Urban Center Mixed Use Future Land Use designation. The maximum density of 8 dwelling units per acre, as allowed by the proposed RMF-8 (Residential Multi-Family 8) zoning can only be realized with future approval of a bonus density via a Development Plan or a PUD rezoning with a Concept Development Plan, in accordance with the Comprehensive Plan. Absent those steps, the underlying Future Land Use Category maximum base density of 5 dwelling units per acre (maximum of 205 units) will prevail.

The Urban Center category promotes multiple types of land uses in a pattern of transitioning intensities around historic commerce centers and for future mixed-use communities.

The Urban Center Mixed Use Future Land Use category allows a base residential density up to 5 dwelling units per acre with a bonus

density up to 8 dwelling units per acre and the category is expected to capture the most intensive uses and is found in areas served by high-capacity transportation systems. The character of the Urban Center land use category is a mixture of non-residential uses providing retail and service support to the community as a whole, interspersed with higher intensity residential uses to create a vibrant and diverse urban atmosphere. The category is generally found in areas where infrastructure includes central water and sewer systems, stormwater management systems, and major paved public streets or highways. Center, at an appropriate scale to serve the surrounding area, can be demonstrated with a market study. Direct access to collector or arterial roads is a requirement for residential development between 5-8 dwelling units per acre), unless located within a mixed-use planned unit development.

Staff has considered the location, availability of public services and facilities; the proximity to similar densities/intensities; and the location within the transportation network. The location of the nearest DeSoto County Fire Rescue station, Station 1, is 8 miles to the north. The parcels are located within the DeSoto County Utilities service area. The DeSoto County Utilities and Engineering Departments have no objections to the rezone and are coordinating with the applicant on rebuilding their utility infrastructure onsite.

The FEMA flood map for this area is number 12027C0195C, effective on 11/06/2013. Based upon the flood maps, the site is not located within the 100-year floodplain or the Conservation Overlay Designation. Future plan submittals will be required to secure all applicable SWFWMD environmental resource permits, ACOE permit, and County review.

The Comprehensive Plan Policy 1.14.2 defines “compatibility” as “(a) condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion such that no use or condition is negatively impacted directly or indirectly by another use or conditions.”

Table 1 provides a description of the Future Land Use Categories, Zoning Districts, and specific types of land uses surrounding the subject parcel:

**TABLE 1
USE COMPATIBILITY ANALYSIS**

Directions	Zoning District	Future Land Use	Adjacent Land Uses
Site	PUD	Urban Center Mixed Use	Residential - multi family
North	PUD	Urban Center Mixed use	Office buildings
East	A-10	Employment Center, Urban Center Mixed use	Vacant agricultural, pastureland
South	PUD	Urban Center Mixed use	Vacant Office buildings
West	PUD	Urban Center Mixed use	Vacant Office buildings

The applicant plans to utilize the existing homes on site, which have been vacated for years. If the rezoning is approved, it would be the only residential development in the area. While the multi-family development is not similar to surrounding development, the Board may find that it is a good step forward to promote redevelopment of the long-abandoned G. Pierce Wood facility and may spur more development in the area.

Based on the above findings, it is concluded the application can be found to be generally consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

2. The existing land use pattern.

Consistency analysis: Table 1 shows the existing land use pattern including surrounding uses, zoning, and future land use categories. The adjacent property to the south is vacant agricultural and pastureland zoned A-10. The adjacent properties to the north, east, and west are office buildings with PUD zoning. The proposed RMF-8 zoning is not an extension of the existing land use patterns; however, the Board may find the rezone to be an opportunity to promote redevelopment of the area.

3. The creation of an isolated district unrelated to adjacent and nearby districts.

Consistency analysis: The primary use of the proposed rezone is for the existing multi-family residential buildings. The adjacent uses are consistent with the Urban Center Mixed Use land use designation. Rezoning to RMF would permit the continued use of the existing buildings as multi-family residential.

The proposed rezone, if adopted, will create an isolated district, as it will be the only multi-family zoning in the area. As mentioned above, the area was vacated years ago and repurposing the existing buildings and infrastructure may spur additional redevelopment in the area, which may be more important to the Board than creating an isolated zoning district.

4. The impact on the availability of adequate public facilities consistent with the level of service standards adopted in the Comprehensive Plan, and as defined and implemented through the DeSoto County concurrency regulations.

Consistency analysis: FLUE Policy 1.22.5 Concurrency Information/Data requires the County maintain a concurrency database and monitoring system. This is to ensure projects approved are subject to the minimum criteria required for public facilities. This is done via a concurrency determination

showing that there is not a reduction of the level of service below the adopted standard. Policy 1.22.5 provides for roadways, recreation and open space, solid waste, potable water and sanitary sewer. Future development applications will be required to be consistent with this policy.

Policy 1.9.4 of the Future Land Use Element requires all development within the Urban Center Mixed Use category to connect to centralized public water and wastewater facilities. The County's utility ordinance provides more specific guidance and requires a connection if the land is located within 200 feet of existing utility infrastructure. This level of review will be performed with the Development Plan and Improvement Plan, in addition to an analysis of the remaining wastewater treatment facility capacity.

In terms of traffic, the applicant will be required to submit a traffic analysis showing how the project will affect the roadway network and identify any improvements needed to support the future project.

Based on the above findings it is concluded the application will be more thoroughly reviewed with future development applications to determine the impact and availability of adequate public facilities to support the level of service standards

5. Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for changes.

Consistency analysis: The existing PUD zoning district boundaries were drawn to reflect a rezoning application with a Concept Development Plan and are not considered to be illogically drawn. However, since the PUD project was never fully executed and has now expired, rezoning to a different district may be found to be an appropriate change for the area.

6. Whether changed or changing conditions make the passage of the proposed amendment necessary.

Consistency analysis: Conditions have changed since the PUD zoning was adopted in 2015, as it was expected that the applicant would continue with the required development approval steps and building permits to realize the vision of their Concept Development Plan. Today, the PUD plan has expired, and the site must be rezoned to authorize a new course.

7. Whether the proposed change will adversely influence living conditions in the area.

*Consistency analysis: The 41.08-acre multi-family residential site, with 16 existing dwellings, is in an area of primarily office uses and vacant agricultural land. The Urban Center Mixed Use future land use category is placed in areas that can be found to support more intensive development. The rezone to RMF-8 is not expected to adversely influence living conditions in the area and can be found to be an appropriate transition from PUD. Based on the above it is concluded the application can be found in **conformance** with this factor.*

8. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

Consistency analysis: A traffic study was not provided with the application. Future development applications will require a traffic analysis to demonstrate the maintenance of adopted levels of service on the roadway network.

*Based on the above, it is concluded the application can be found in **conformance** with this factor with conditions.*

9. Whether the proposed change will create a drainage problem.

Consistency analysis: The rezoning itself will not impact drainage and the applicant will be required to demonstrate compliance with drainage and stormwater needs with the future Improvement Plan.

The applicant is responsible for coordinating with the required State agencies (i.e., SWFWMD or DEP) and obtaining any required state permits prior to issuance of the Notice to Proceed.

*Based on the above, it is concluded the application can be found in **conformance** with this factor, with conditions.*

10. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistency analysis: Approval of the rezone will not have an impact on reducing light and air to adjacent areas. Additionally, a reduction of light and air to the adjacent areas is a function of total development vs. open space, building height, and building setbacks. Any future site plans and building permits will have to be consistent with the LDR standards, including maximum impervious surface coverage and setbacks.

*Based on the above findings, it is concluded the application can be found to be in **conformance** with this factor.*

11. Whether the proposed change will adversely affect property values in the adjacent area.

Consistency analysis: Absent an analysis from a certified property appraiser, it is difficult to understand how the proposed rezoning will impact area property values. The Comprehensive Plan expressly permits multi-family residential uses in the Urban Center Mixed Use Future Land Use Category, as set forth in Policy 1.9.2. The development standards contained in the RMF-

*8 zoning district regulate minimum lot size, setbacks, maximum impervious lot coverage, and the required separation between structures. Given that the existing PUD zoning will not currently allow for any development since it is out of compliance with the PUD approval, rezoning the property to RMF-8 is not expected to adversely affect property values in the adjacent area. Based on the above finding, it is concluded the application can be found in to be in **conformance** with this factor.*

12. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

*Consistency analysis: The proposed RMF-8 rezoning is not expected to be a deterrent to the improvement or development of adjacent properties and could be a catalyst for the redevelopment of the area. Changing the zoning from PUD to RMF-8 will bring the existing multi-family residential parcel into conformance with the LDR. Based on the above finding, it is concluded the application can be found to be in **conformance** with this factor.*

13. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

Consistency analysis: The proposed change, as evaluated pursuant to the Comprehensive Plan and LDR will not grant special privilege to an individual owner, as contrasted with the public welfare.

14. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Consistency analysis:

The property cannot be used under the current PUD zoning approval, as the project has been split into several parcels and sold to different owners, which is inconsistent with the adopted concept plan and in violation of a condition of the PUD Ordinance. If adopted, the rezone to RMF-8 will allow for the use of the existing homes on site, including utility upgrades planned by the property owner, but it will also allow for redevelopment of the parcel up to 205 multi-family units.

15. Whether the change suggested is out of scale with the surrounding area.

Consistency analysis: The proposed rezone is an existing multi-family residential parcel with PUD zoning. The concept plan approved with the PUD was never implemented and portions of the PUD were sold to various owners.

The 41.08-acre multi-family residential site, with 16 existing dwellings, is a part of the original Power Auto Corp PUD, which is currently an abandoned development made up of residential, office, industrial, and commercial uses as well as vacant agricultural land. Staff is not currently aware of any additional structures planned for the property, but the property could be redeveloped in accordance with the RMF-8 zoning, if adopted.

The Land Development Regulations provide proportionate protection to surrounding property owners and their uses in terms of setbacks, and buffers. Residential Multi-Family District – 8 (RMF-8) standards are as follows: front (35 feet), side (20 feet), and rear (30 feet). Maximum impervious lot coverage is 50%.

Given the plan to use the existing homes, with these standards, the proposed rezoning will not result in development that is out of scale with the surrounding area.

In summary, the Development Director finds the application can be found to be in conformance with the 15 factors to consider when rezoning land and, therefore, concludes the application can be found in conformance with LDR Section 20-1498(a).

A. **Conditions and Safeguards.** LDR Section 20-1499 allows the imposition of conditions to safeguard surrounding areas from potential incompatibilities generated by the application.

1. The Planning Commission may recommend that a rezoning application or an application to amend the LDRs be approved subject to conditions and safeguards, including but not limited to limiting the use of the property to certain uses provided for in the requested zoning district.

Consistency analysis: Conditions cannot be placed on a Euclidean zoning district, and therefore, this criterion is not applicable.

2. The Board of County Commissioners, after receiving the recommendation from the Planning Commission on an application for rezoning or an application to amend the LDRs, may grant or deny such rezoning or amendment and may make the granting conditional upon such conditions and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.

Consistency analysis: The Board of County Commissioners is scheduled tentatively to consider the application at their duly noticed May 26, 2026, public hearing. As stated above, conditions cannot be placed on a straight rezoning.

B. **Public notice requirements.** LDR Section 20-1502 requires notice of the date, time and place of the public hearings by the Planning Commission and Board of County Commissioners shall:

1. Be sent at least 10 days in advance of the hearings by mail to ten surrounding property owners or all owners of property within 1,000 feet of the property line of the land subject to the special exception use application; and
2. Have at least one sign posted on each road frontage; and
3. Be advertised in a newspaper of general circulation in DeSoto County at least 10 days prior to each public hearing.

Public notice was provided in accordance with the LDR requirements, and such notice is on file.

IV. ATTACHMENTS

Exhibit A: General Location Map

Exhibit B: Interim 2040 Future Land Use Map (FLUM)

Exhibit C: Official Zoning District Atlas

Exhibit D: Proposed Ordinance

V. FINDINGS AND CONCLUSIONS

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

- A. The Development Director finds the subject property consists of a +/- 41.08-acre site located in central DeSoto County, west of SE Highway 31 at 5906 SE Residential Way.
- B. The Development Director finds the Interim 2040 Future Land Use Map shows the property is designated Urban Center Mixed Use.
- C. The Development Director finds the Official Zoning District Atlas shows the property is currently zoned Planned Unit Development (PUD).
- D. The Development Director finds that on November 21, 2023, an Official Zoning District Atlas amendment application (RZNE-0046-2023) was filed by the owner, Maria's Rentals LLC, which application proposes to change the zoning district to Residential Multi-Family - 8 (RMF-8).
- E. LDR Section 20-1345 requires the application be complete and in writing. The Development Director found the filed application was submitted in writing and complete.
- F. LDR Sections 20-1345(c) provides the complete application should be distributed to the Development Review Committee (DRC) for comments. The Development Director finds the application was distributed to the DRC.

- G. LDR Section 20-1496(b) requires the Planning Commission to review the application at a public hearing and a duly noticed quasi-judicial Planning Commission public hearing that is scheduled for May 5, 2026.
- H. LDR Section 20-1498(a) requires consistency with the Comprehensive Plan. The application has been reviewed against the Comprehensive Plan and it is concluded the application is consistent with the Comprehensive Plan.
- I. LDR Division 7 establishes an adoption process, and the Development Director concludes the application has been processed in conformance with that requirement because the application has been scheduled for Planning Commission and Board of County Commissioners public hearings.
- J. LDR Section 20-1498 also includes criteria that must be considered when reviewing the application. The Development Director finds and concludes the rezone application generally meets those requirements, and the RMF-8 zoning may be adopted by the Board.
- K. The LDR establishes specific public notice requirements for an Official Zoning District amendment application. The Development Director finds and concludes the application has been noticed in conformance with the public hearing requirements and public hearings have been scheduled before the Planning Commission and Board of County Commissioners.

VI. ALTERNATIVE ACTIONS

The DeSoto County Planning Commission/Local Planning Agency may take one of the following alternative actions:

- A. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing and recommend to the Board of County Commissioners to adopt the findings and conclusions contained herein, and adopt

the proposed Ordinance as presented.

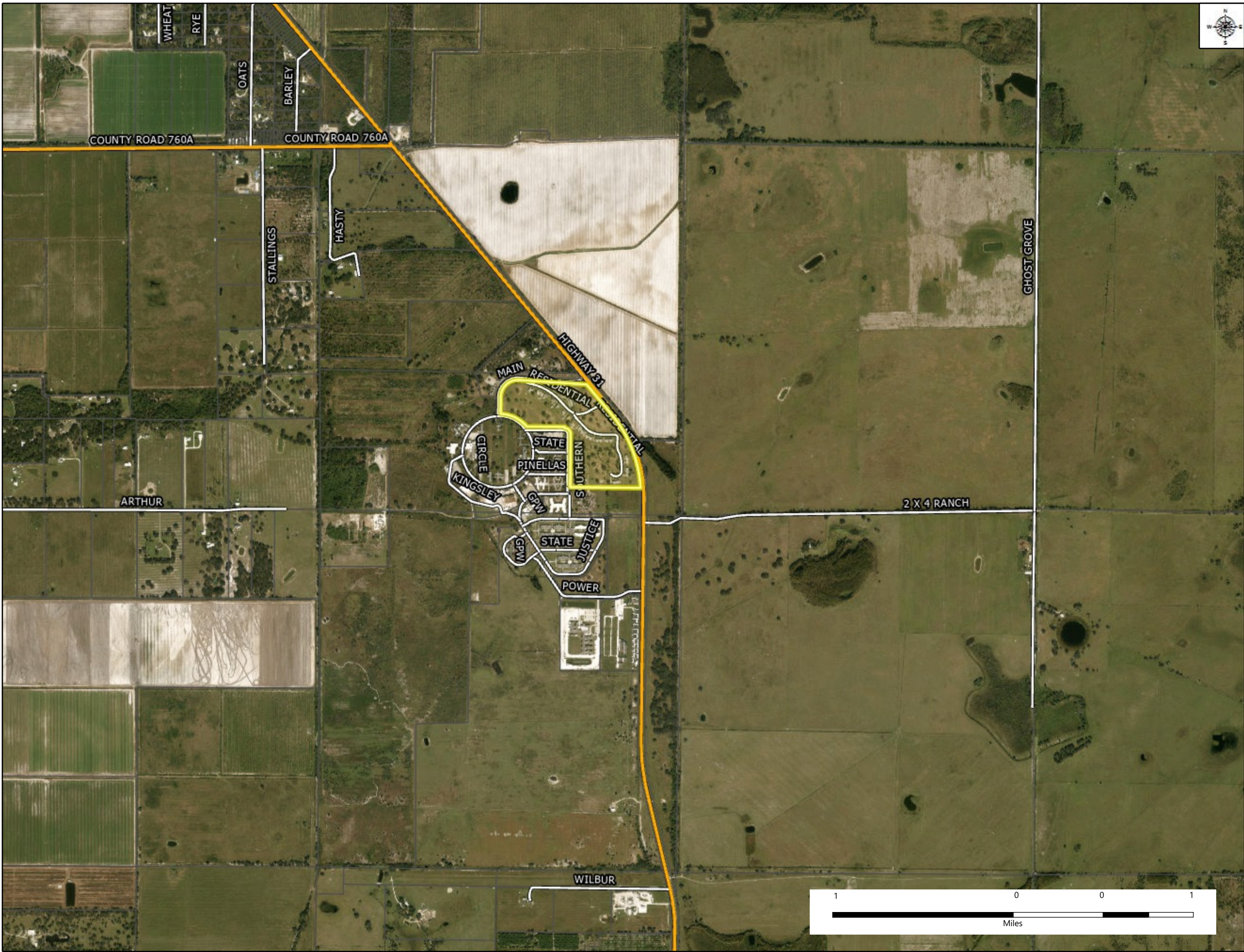
- B. Enter into the record the Development Review Report and all other competent substantial evidence presented at the hearing, amend the findings and conclusions contained herein, and recommend to the Board of County Commissioner deny the proposed Ordinance.

VII. PUBLIC HEARINGS

A. Planning Commission. Scheduled for May 5, 2026.

B. Board of County Commissioners: Scheduled for May 26, 2026.

Location Map Maria's Rentals

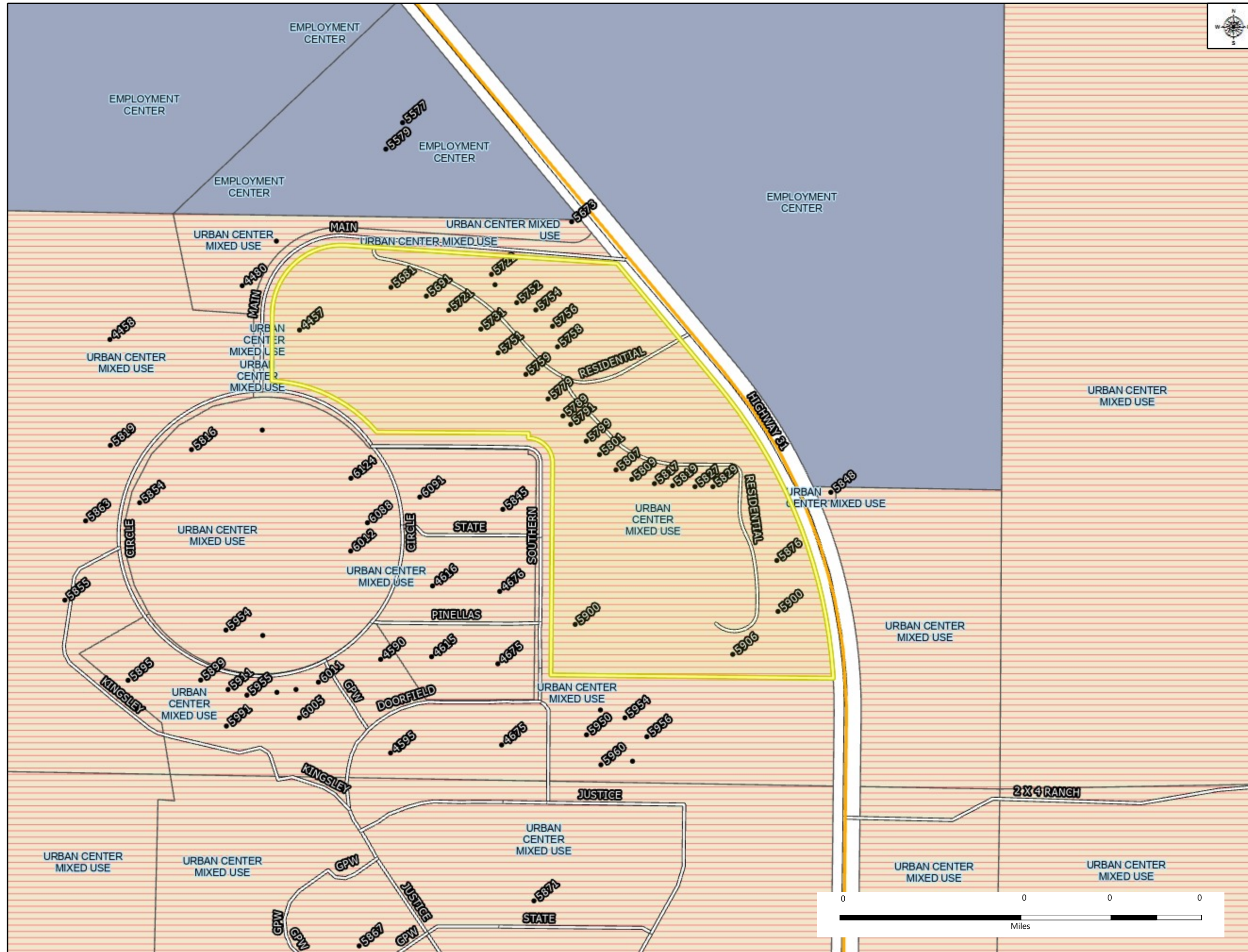


- Street Labels
- Major Road Labels
- County Boundary
- Major Roads
- Streets
- Parcels

April 20, 2026

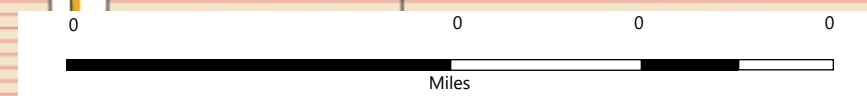


Title



- Address Point Labels
- Street Labels
- Major Road Labels
- FLUM Labels
- County Boundary
- Address Points
- Major Roads
- Streets
- Parcels
- FLUM 2040
 - Preservation
 - Rural/Agriculture
 - Low Density Residential
 - Medium Density Residential
 - Neighborhood Mixed Use
 - Employment Center
 - Commercial
 - Urban Center Mixed Use
 - Public Land/Institutional
 - Electrical Generating Facility

March 8, 2024



Prepared By
HORNER SHIFRIN

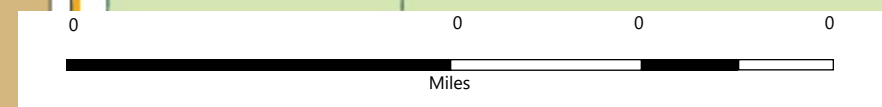


Title



- Address Point Labels
- Street Labels
- Major Road Labels
- Zoning Labels
- Zoning Designation
- A-10
- A-5
- CE
- CG
- CITY
- CN
- IH
- IL
- ILE
- MHP
- MHS
- P/I
- PM-1
- PUD
- RM
- RMF-12
- RMF-6
- RMF-8
- RMF-M
- ROI

March 8, 2024



Prepared By
HORNER SHIFRIN

Comprehensive Plan Goals, Objectives, and Policies

FLUE Policy 1.1.2: *Land Use Categories.* The County shall implement the following land use categories as shown on the Future Land Use Map.

Land Use Categories	Base Density/Intensity
Rural/Agricultural	Non-residential – up to 0.4 FAR maximum
Employment Center	Non-residential – up to 0.5 FAR maximum

FLUE Policy 1.1.11: Rezoning. The zoning amendment criteria in the LDR shall be used to determine if a rezoning request to a new district is appropriate for a given property, in accordance with the Comprehensive Plan. The following general criteria, at a minimum, will be considered as part of the rezoning review process:

- (1) Location, availability and capacity of public services and facilities.
- (2) Proximity to similar densities/intensities.
- (3) Location within transportation network.
- (4) Environmental protection

FLUE Objective 1.3: Rural/Agricultural Use Category Defined.

The intent of the Rural Land Use Category is primarily agricultural, pastoral, and rural residential development. This district is designed to accommodate traditional agricultural uses and conservatory measures, where appropriate, while protecting the rural areas of the County. The intent of this category is to permit a reasonable use of the property, at a gross density of no more than one dwelling per ten (10) acres. At the same time, the intent is to prevent the creation of conditions, which would endanger, damage, or destroy the agricultural base of the County, the environmental resources of the County, the potable water supply and the wildlife resources. The first priority of this category is agricultural use.

MEASURABLE TARGET: Total acres taken out of Rural/Agricultural Land Use category.

FLUE Policy 1.3.1: The primary use and function of the Rural/Agricultural areas, as designate on the Future Land Use Map, shall be to protect and encourage agricultural activities and to protect unique native habitats and maintain open

space, while providing for rural residential uses.

FLUE Policy 1.3.2: Agricultural uses, as defined by F.S. 193.461, are permitted within the Rural/Agricultural category. Additional setbacks are required for intense uses when adjacent to non-agricultural future land use categories and zoning districts.

FLUE Policy 1.3.4: The rezoning of lands to industrial may be allowed within the Rural/Agricultural category, only when permitted by the Board of County Commissioners in conjunction with approval for a Special Exception or Planned Unit Development. Any Industrial use shall be buffered and spaced appropriately to minimize potential impacts on adjacent agricultural and residential uses. The following minimum standards shall apply:

- (1) A minimum of 10 acres;
- (2) Shall be appropriately buffered from agricultural and residential uses and zoning districts;
- (3) Maximum Floor Area Ratio of 0.7;
- (4) Shall submit and receive site plan or preliminary plat (PUD) approval in conjunction with such zoning request;
- (5) Exclude electrical generating facilities (power plants)

FLUE Policy 1.3.5: Property rezoned to Industrial is intended for uses of a nature not permitted within an urban center, new community, or other non-industrial area. Those uses include:

- (1) Sales and service of trucks and heavy equipment;
- (2) Wholesale establishments, warehousing, bulk storage;
- (3) Asphalt and cement plants, saw mills;
- (4) Railroad siding;
- (5) Manufacturing, warehousing, storing, processing, canning, packing, slaughter houses, marinas, commercial boat houses, commercial boat storage, boat building, boat yards;
- (6) Storage of agricultural vehicles not used on subject property for agricultural purposes;
- (7) In and outdoor firing range
- (8) Sale and repair of new & used automobiles, motorcycles, trucks & tractors, mobile homes, boats, automotive vehicle parts & accessories, heavy machinery & equipment, farm equipment, retail establishments for sale of farm supplies;
- (9) Bulk storage yards, not including bulk storage of flammable liquids, subject to

the provisions of the County or State Fire Codes;
(10) And other similar uses

FLUE Objective 1.8: Employment Center Land Use Category Defined. The Employment Center Land Use category promotes multiple types of non-residential, employment generating land uses.

FLUE Policy 1.8.2: Employment Center Land Use Category Uses. Non-residential land uses, such as, industrial, office, and institutional. Support uses to serve the employment center are also permitted.

FLUE Policy 1.8.4: A mixture of uses shall be provided within the Employment Center category:

- (1) A minimum of 50 percent of the area shall be utilized for Industrial and non-service based employment uses.
- (2) No greater than 10 percent of the area shall be utilized for commercial/retail uses.
- (3) Ancillary commercial uses in support of manufacturing or assembly of on-site products (display/sales) are permitted and will not be measured against the commercial mixture of the category.

FLUE Policy 1.8.5: All development within an Employment Center Land Use category shall connect to DeSoto County public water and wastewater facilities.

FLUE Objective 1.12: Conservation Overlay Designation (COD). The Interim 2040 Conservation Overlay Map (FLUEMS 4) identifies public and private lands that may possess environmental limitations, such as floodplain, wetland, and other environmentally sensitive areas, including but not limited to, sloping topography subject to soil erosion, wildlife habitat areas, hydric soils, and special vegetative communities, but have not been confirmed as such and shall be protected to the greatest extent possible. Modifications of the boundaries are permitted upon submittal of data and analysis, or field inspection by qualified personnel which support the establishment of a more appropriate boundary.

MEASURABLE TARGET: Acres of habitat and wetlands or species to be impacted or preserved as identified through environmental surveys, Environmental Resource Permits, and other actions in response to development in environmentally sensitive

environments.

FLUE Policy 1.12.3: *Conservation Overlay Designation Development Standards.*

- (1) A final determination of the suitability for development of any individual parcel, as it relates to a Conservation Overlay area on the Future Land Use Map, shall be determined prior to issuance of any development approval.
- (2) The Conservation Overlay Designation area on the Future Land Use Map is not to be considered the exact boundary of the conservation area, but to act as an indicator of a potential conservation area. The exact boundary shall be determined by an environmental site study by a qualified professional at the expense of the Developer and submitted for a determination to the Southwest Florida Water Management District or other agency with jurisdiction.
- (3) The Conservation Overlay Designation area is not all inclusive and other areas that do not fall within the COD boundaries that meet the definition of being environmentally sensitive areas are also subject to the regulations affecting them. These areas include protected plant and animal habitat.
- (4) Development proposals shall require the submittal of an Environmental Site Study indicating as to the extent of the impact of development or redevelopment for any lands within Conservation Overlay Designation areas and other environmental concerns.
- (5) Environmental Site Studies shall provide evidence and an inventory of wetlands; soils posing severe limitations to construction; unique habitat; endangered species of wildlife and plants; significant historic structures and/or sites; and areas prone to periodic flooding (areas within the 100-year floodplain).
- (6) DeSoto County shall require identification of proposed impacts to the natural functions of any resources by any development or redevelopment that proposes to be placed in/on, to disturb, or to alter identified areas. Compensation and Mitigation plans shall also be provided.
- (7) Such identification shall occur during the development review process and provide the opportunity for DeSoto County to review the proposed project so that direct and irreversible impacts on the identified resources are avoided, minimized, or in the extreme, mitigated.
- (8) Natural resources discovered as a result of the required Environmental Site Study will be protected in accordance with state and federal law. The Environmental Site Study will require that a qualified professional analyze the natural functions of eco-systems and connectivity of resource corridors. A conservation easement, or other protective measure, may be required to protect the functions of natural resources. Mitigation may be allowed on a case-by-case

basis through the appropriate reviewing agencies.

(9) If an area is determined to be developable and not within the Conservation Overlay Designation, then the underlying future land use category shall apply.

FLUE Policy 1.12.4: Any development of a site which includes property determined to be in a Conservation Overlay Designation area, is required to submit a site-specific plan for approval. The plan shall include the clustering of density away from the protected areas and resources. Developments that include Conservation Overlay Designations, but cluster all development activities outside of the Overlay, may be reviewed via a Site Plan Approval process. The following restrictions shall apply to areas determined to be in the COD:

(1) Density transfers out of areas determined to be within the Conservation Area may occur on-site with the following density transfer allowed:

- (a) Rural/Agricultural Land Uses shall be consistent with the underlying zoning
- (b) Low Density Residential Land Uses shall be 1 unit per 4 acres.
- (c) Medium Density Residential, Neighborhood Mixed Use, and General Mixed Use Districts shall be 1 unit per 2 acres.

(2) Development within the Conservation Overlay area shall be restricted to 1 unit per 10 acres and a FAR of 0.1, unless otherwise provided for herein. All development shall be directed away from wetlands.

FLUE Policy 1.12.6: The County shall prohibit all development within, and direct development away from, wetlands, unless otherwise approved by the appropriate reviewing agency. Site enhancement for conservation purposes and Best Management Practices including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating into developed areas shall not be deemed “development” for the purposes of this policy, when used pursuant to phosphate mining.

(1) When wetland impacts cannot be avoided, DeSoto County shall require a specific management plan to be prepared by the developer, which results in no net loss of wetlands or wetland functions and which includes necessary modifications to the proposed development, specific setback and buffers, and the location of development away from site resources, to protect and preserve the natural functions of the resource.

(2) The minimum setback shall be 15 feet and the average of all setbacks from the wetland resource shall be 25 feet, unless otherwise permitted by the appropriate reviewing agency. Best Management Practices, including, without limitation, the use of isolation berms to protect water quality and prevent wildlife from migrating

into developed areas shall be permitted within the setback areas, when used pursuant to phosphate mining.

(3) Areas designated as natural buffers shall preserve all natural vegetative cover, except where drainage ways, access ways or phosphate mining corridors are approved to cross the buffer, or when contrary to Best Management Practices. Buffers may be supplemented only with native trees, shrubs and ground covers.

FLUE Policy 1.12.8: On all existing parcels of land, development shall be located away from wetlands and floodplains on the upland portion of the site, unless otherwise permitted by an authorized agency and permissible within this Plan. Where no upland exists, development may occur so long as all applicable environmental permitting requirements can be satisfied. All future subdivision of land shall contain adequate uplands for the permitted use.

FLUE Policy 1.14.2: Use compatibility. Compatibility between uses will be defined by level of density and intensity rather than by use, with the exception of large-scale public uses such as airports, regional hospitals, refineries and correctional institutions.

FLUE Policy 1.16.2: The County shall direct development to areas where services and facilities are available to accommodate additional growth.

FLUE Policy 1.17.2: Land uses that generate high traffic counts shall be encouraged to locate adjacent to arterial and collector roads.

FLUE Policy 1.17.3: The County shall require an adequate quantity of on-site parking to accommodate land uses, and encourage shared parking facilities for multiple uses.

FLUE Policy 1.17.4: The County shall require new developments to provide safe and convenient on-site pedestrian and vehicular traffic flow.

Conservation Element

Groundwater Resources:

Policy 1.2.10: All requests for development shall be reviewed to ensure that potential impacts of the proposed development do not degrade the water quality

and quantity of groundwater resources.

Policy 1.2.15: DeSoto County shall protect groundwater recharge areas throughout the County by requiring properly functioning stormwater management systems meeting drainage LOS standards and a minimum percentage of 15% pervious open space for all non-residential development projects and a minimum of 25% pervious open space for residential development projects. This may be further restricted in the LDRs through individual zoning districts and other development performance standards.

Surface Water Resources:

Policy 1.4.3: The County shall identify and require the creation of upland buffer zones, in accordance with the regulations of the water management districts, between development and surface water, environmentally sensitive areas, and wetlands in order to protect these natural resources from the activities and impacts of development.

Wetland Protection:

Objective 1.5: Wetland Protection. Wetlands and the natural functions of wetlands shall be conserved, protected, and restored from activities which alter their physical and hydrological nature to ensure the filtration of water to enhance water quality, provide flood control, maintain wildlife habitat, and offer recreational opportunities, which enhance the quality of life in DeSoto County.

Policy 1.5.1: The County, as part of its development review process, shall require the coordination of development plans with the Florida Department of Environmental Protection, the Southwest Florida Water Management District or other appropriate regulatory agency, to assist in monitoring land uses which may impact potential wetlands as shown on the National Wetlands Inventory (shown as part of the Conservation Overlay Area on the FLUM).

Policy 1.5.2: The County shall require that all development proposals be accompanied by evidence that an inventory of wetlands; soils posing severe limitations construction; unique habitat; endangered species of wildlife and plants; significant historic structures and/or sites; has been conducted.

Policy 1.9.16: Developers shall be required to identify wildlife habitat, and endangered and threatened species as part of the development review process and shall be required to submit mitigation measures for review as part of the County's development review process.

DESOTO COUNTY, FLORIDA
ORDINANCE 2026- _____

AN ORDINANCE OF THE DESOTO COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS AMENDING THE OFFICIAL ZONING ATLAS IDENTIFIED IN LAND DEVELOPMENT REGULATIONS ARTICLE 2, ZONING DISTRICTS AND REQUIREMENTS, SECTION 20-31, ESTABLISHMENT OF ZONING DISTRICTS; GRANTING TO THE APPLICANT, MARIA’S RENTALS LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0046-2023) BY CHANGING THE ZONING DISTRICT OF +/- 41.08 ACRES FROM PLANNED UNIT DEVELOPMENT (PUD) TO RESIDENTIAL MULTI-FAMILY - 8 (RMF-8) ON PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY, AT 5906 SE RESIDENTIAL WAY; THE PROPERTY IDENTIFICATION NUMBER BEING 27-38-25-0000-0072-0000; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is owned by Maria’s Rentals LLC and consists of a +/- 41.08 -acre property, generally located in central DeSoto County, at 5906 SE Residential Way, the Property Identification Number being 27-38-25-0000-0072-0000 (Exhibit A); and

WHEREAS, the Interim 2040 Future Land Use Map shows the +/- 41.08 -acre parcel is designated Urban Center Mixed Use (Exhibit B); and

WHEREAS, an Official Zoning District Atlas amendment application was filed with the Development Department, to change the zoning district of the property from Planned Unit Development (PUD) to Residential Multi-Family-8(RMF-8) (Exhibit C); and

WHEREAS, consistent with LDR Sections 20-1497 and 20-1498, the Development Director prepared a Development Review Report addressing the factors that the Planning Commission must consider when making a recommendation to the Board of County Commissioners on an Official Zoning District Atlas amendment application; and

WHEREAS, consistent with LDR Section 20-1502, both the Planning Commission and County Commission public hearings were noticed per the requirements; and

WHEREAS, at the May 5, 2026, Planning Commission hearing, the Commission entered into the record the Development Review Report and all other competent

substantial evidence presented at the hearing, adopted the findings and conclusions contained therein, and forwarded the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted as presented; and

WHEREAS, on May 26, 2026, the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZNE-0046-2023, and the Board considered the Development Review Report and recommendation, the Planning Commission recommendation and all substantial competent evidence presented at the Planning Commission hearing, all other competent substantial evidence presented at the Board public hearings, and determined that the application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations and all other applicable regulations; and

WHEREAS, the Board finds adoption of this Ordinance is in the best interest of the residents of DeSoto County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. *Incorporation.* The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Ordinance. In addition, the Development Review Report is the findings and conclusions to support the adoption of this ordinance and is incorporated herein by reference.

Section 2. *Property description.* A +/- 41.08-acre property generally located in central DeSoto County, at 5906 SE Residential Way, the Property Identification Number being 27-38-25-0000-0072-0000.

Section 3. *Development order approval,* Maria’s Rentals LLC, owner, is hereby granted an Official Zoning District Atlas amendment (RZNE-0046-2023) changing the zoning district of +/- 41.08-acres from Planned Unit Development (PUD) to Residential Multi-Family-8 (RMF-8).

Section 4. The Development Department is hereby directed to amend the Official Zoning District Atlas to codify the change approved by this Ordinance.

Section 5. This Ordinance shall take effect, as prescribed by law.

PASSED AND DULY ADOPTED in DeSoto County, Florida this 26th day of May 2026.

ATTEST:

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

By: _____

Mandy J. Hines
County Administrator

By: _____

Steve Hickox, Chair
Board of County Commissioners

Approved as to Form and Correctness:

By: _____

Valerie Vicente,
County Attorney

Exhibit A: General Location



