

**DESOTO COUNTY, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING THE DESOTO COUNTY CODE OF ORDINANCES BY AMENDING SECTION 20-1626 “CRITERIA FOR AWARD OF BONUS DENSITY” BY UPDATING THE CRITERIA FOR THE AWARD FOR BONUS DENSITY GENERALLY, AND ADDING SPECIFIC CRITERIA FOR THE AWARD OF BONUS DENSITY FOR QUALIFYING AFFORDABLE AND WORKFORCE HOUSING PROJECTS; AMENDING SECTION 20-144 “PLANNED UNIT DEVELOPMENT DISTRICT (PUD)” PROVIDING FOR ADMINISTRATIVE APPROVAL OF PUD IMPROVEMENT PLANS THAT PROVIDE AFFORDABLE/WORKFORCE UNITS AS PROVIDED THEREIN; AMENDING SECTION 20-1650 “DEFINITIONS” PROVIDING FOR NEWLY DEFINED TERMS TO IMPLEMENT THE AFFORDABLE AND WORKFORCE HOUSING DENSITY BONUSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapters 125 and 163, Florida Statutes, authorize counties of the State of Florida to adopt and enforce regulations in the interest of public health, safety and welfare; and

**WHEREAS**, the DeSoto County (“County”) Board of County Commissioners (the “Board”) is authorized to adopt ordinances regulating the use of land in the County through the adoption of Land Development Regulations; and

**WHEREAS**, Policy 1.1.2 and 1.1.3 of the Future Land Use Element of the County’s Comprehensive Plan provides a “Land Use Categories Summary” showing the specific future land use categories where affordable and workforce housing developments are eligible for an award of bonus density through the County’s Development Plan process; and

**WHEREAS**, Policy 1.1.4 of the County’s Comprehensive Plan, provides that the specific criteria for the award of bonus density and intensity shall be set forth in the County’s Land Development Regulations; and

**WHEREAS**, the purpose of this ordinance is to amend the County Land Development Regulations to provide specific criteria and factors for awarding of bonus density, generally, as well as minimum criteria for the award of bonus density in specific areas of unincorporated DeSoto County for affordable and workforce housing developments; and

**WHEREAS**, the Board further finds that adoption of this ordinance is in the best interest of the residents of DeSoto County and serves a proper public purpose; and

**WHEREAS**, the Board has properly noticed and held public hearings in accordance with law prior to adopting this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THAT:**

**Section 1. Incorporation of Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2. Amendment to Division 4 of Article II, Chapter 20 of the DeSoto County Code of Ordinances.** Chapter 20, Article II, Division 4, Section 20-144 of the DeSoto County Code of Ordinances is hereby amended as follows:

## **ARTICLE II. – ZONING DISTRICTS AND REQUIREMENTS**

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### **DIVISION 4. – ZONING DISTRICTS**

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#### ***Sec. 20-144. Planned Unit Development District (PUD).***

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(i) *Improvement plan approval.*

(1) Application for improvement plan approval shall be submitted with detailed plans and copies of all necessary permits from other reviewing agencies and shall include all required information in accordance with Article XI, Division 2 (development review and approval) and Article XI, Division 6 (improvement plans) of this chapter, and information establishing consistency with the approved concept development plan and any conditions included as part of the PUD approval. Applications will be accepted prior to final approval of other agencies, but a notice to proceed will not be issued until evidence of permits are submitted to the County.

(2) Development Review Committee (DRC) review. The DRC will review the improvement plan for technical compliance to County codes and consistency with the approved concept development plan and any conditions included as part of the PUD approval.

(3) All improvement plans for PUDs shall be reviewed by the Development Director for consistency with the approved concept development plan and any conditions included as part of the PUD approval, and then submitted to the Board for its review and approval, approval with conditions, or disapproval at a quasi-judicial hearing of the Board, except projects with a minimum of 40% affordable housing units or

65% workforce housing units, which shall be approved administratively. A notice to proceed with construction of the project will be issued by the Development Director upon improvement plan approval ~~by the Board~~ and satisfaction of all technical requirements and compliance with the PUD approval and conditions. The applicant may apply for and be granted improvement plan approval for the entire PUD or any phase of the project, subject to final concurrency determination and level-of-service availability.

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**Section 3. Amendment to Division 12, of Article XI, of Chapter 20 of the DeSoto County Code of Ordinances.** Chapter 20, Article XI, Division 12 “Bonus Density/Intensity”, Section 20-1626 of the DeSoto County Code of Ordinances is hereby amended as follows:

## **ARTICLE XI. – ADMINISTRATION AND ENFORCEMENT**

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### **DIVISION 12. – BONUS DENSITY/INTENSITY**

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Sec. 20-1626. - Criteria for award of bonus density.

~~(a) Infrastructure improvements. Off-site or on-site improvements which increase and reserve capacity for other uses or create efficiencies and reduce duplicative efforts in providing necessary infrastructure for the general public. Proposed improvements shall be those that provide a specific public benefit not otherwise required by the Land Development Regulations. Improvements shall be those that are found or identified in the following documents:~~

~~(1) The Comprehensive Plan, including specifically FLUE Policy 1.1.4;~~

~~(2) A Capital Improvement Plan;~~

~~(3) A local or regional transportation plan;~~

~~(4) Any County Master Plan.~~

~~(b) Quality of life. The development and dedication of land and/or facilities, improvement of corridors and gateways, or enhancement and improvement of the ecological quality of natural resources. Environmental assessments identifying how and why the proposed improvements will meet these goals may be required by the County. Depending on the proposed facility, the County may require evidence of resources to ensure maintenance and management of the facility or resource. Improvements shall be those that implement or improve the following:~~

~~(1) Economic development, including redevelopment;~~

~~(2) Conservation and enhancement of natural or scenic resources, including farmland;~~

~~(3) Protection of streams or water supply beyond those protections required by federal, state or local regulation;~~

~~(4) Enhancement of parks, forests, wildlife preserves, nature preserves or sanctuaries;~~

~~(5) Enhancement of recreational opportunities with related master plan(s), Comprehensive Plan, Capital Improvement Plan, or corridor plan(s);~~

~~(6) Implementation of gateway plans;~~

~~(7) Preservation of historic structures;~~

~~(8) Improvement in regionally connected and significant trail connectivity;~~

~~(9) Connectivity between developments with similar densities;~~

~~(10) Donation of land that provides a benefit to the public;~~

~~(11) Clustering of development and protection of environmentally sensitive areas beyond what is required by federal, state or local regulations.~~

~~(c) Development Standards. Design standards related to the appearance and function of the proposed project, which create opportunities for diverse housing types, unique character and a sense of place, creative design. Improvements shall be those that implement or improve the following:~~

~~(1) Mixed use housing types (examples), such as: single family (detached), multifamily (low/mid-rise), attached single family (townhouses, carriage homes) within development and phase boundaries;~~

~~(2) Design features such as: neighborhood and historically relevant architectural styles, multimodal and complete street enhancements, architectural street lighting;~~

~~(3) Affordable housing inclusion;~~

~~(4) Pervious surface and long-term maintenance, reduction;~~

~~(5) Water conservation.~~

(a) The applicant shall include a narrative addressing each item below in a point-by-point analysis. Density bonuses shall be evaluated on a case-by-case basis to ensure consistency with the Comprehensive Plan and LDR and to maintain compatibility with the contiguous lands and the neighborhood. The Board shall make a finding that the bonus density granted is proportionate to the overall project design with consideration given to each of the following, as applicable:

(1) Provisions and proximity to public infrastructure (water, sewer,

urban roads);

(2) Proximity to public safety (Fire/EMS) and the ability to adequately serve the anticipated population;

(3) Distance from the nearest public school and capacity available at all district schools that will serve the project;

(4) Use of clustering and protection of environmentally sensitive areas;

(5) Increased buffers and screening, and usable open space;

(6) Increased recreation opportunities or open space;

(7) At least 25% of the units are designated Affordable or at least 50% of the units are designated Workforce Housing;

(8) Mixed use developments and mixed-use buildings;

(9) Adjacent to lands developed with similar density or the potential for similar density based on the Future Land Use Category;

(10) Vehicular and pedestrian connectivity between developments;

(11) Donation of usable public land (per F.S., 420.615);

(12) Proximity to DeSoto-Arcadia Regional Transit fixed routes; and

(13) Use of rural or compatible architectural scale, styles, and features.

(b) To encourage high-quality development that advances the county's goals for providing additional affordable and workforce housing, the Board may grant density bonus as provided in the Comprehensive Plan if all the following criteria are met:

(1) The project is located within Urban Center Mixed Use or Neighborhood Mixed Use Future Land Use category; and

(2) A minimum of fifty (50) percent of the subject parcel shall be located within a 1,000-foot radius of a public school or major employer parcel; and

(3) At least 40% of the residential units within the project are designated as affordable housing units or at least 65% of the units are designated Workforce Housing; and

(4) The project shall connect to County or City potable water and sanitary sewer; and

(5) Land Use Restriction Agreement guaranteeing the affordable/workforce designations of the units for a minimum of 30 years, as approved by the Board of County Commissioners.

(6) An affordable/workforce housing project with greater than 300 dwelling units seeking a bonus for density between 10 du/acre and 12 du/acre shall be a mixed-use project with a minimum of 1,000 square feet of gross floor

area provided for neighborhood commercial or office uses that support the affordable housing development.

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

Sec 20-1650 Definitions.

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

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Affordable Housing means housing which is available at a price or rent not exceeding 30 percent of a household's gross income. Owner-occupied housing costs include principal, interest, insurance, and property taxes. Rental housing costs include the contract rent. Low-income households are defined as a household with gross income which are at or below 80 percent of median income adjusted for family size, consistent with annually adjusted Department of Housing and Urban Development income guidelines.

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Major Employer means a public or private sector employer of 50 or more full-time employees at a single work site.

\*\*\*Workforce Housing means housing affordable to natural persons or families whose total annual household income falls between 80% and 120% of the Area Median Income (AMI). Income limits, adjusted for household size.

**Section 5. Severability.** If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

**Section 6. Codification.** It is the intent of the Board and is hereby provided that the provisions of this Ordinance shall become and be made a part of the DeSoto County Code of Ordinances, and that the sections for the Ordinance may be renumbered or lettered to accomplish such intention, and that the word "ordinance" may be changed to "section" or "article" or other appropriate designation in order to accomplish such intention.

**Section 7. Effective Date.** This ordinance shall become effective immediately upon filing with the Secretary of State.

**DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA, THIS 24<sup>TH</sup> DAY OF MARCH, 2026.**

ATTEST:

DESOTO COUNTY BOARD OF COUNTY  
COMMISSIONERS

By: \_\_\_\_\_  
Mandy Hines,  
County Administrator

By: \_\_\_\_\_  
Steven Hickox,  
Chairman

Approved as to form and legal sufficiency:

By: \_\_\_\_\_  
Valerie Vicente,  
County Attorney