



# DeSoto County Planning Commission Meeting Agenda

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Tuesday, March 3, 2026

5:30 PM

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## 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 [26-1587](#)

**Sponsors:** Administrator

**Attachments:** [Legal Ad Publishers Affidavit](#)  
[Legal Ad Tear Sheet](#)

## MEETING MINUTES

2. Planning Commission Minutes & Board of Adjustment Minutes [26-1588](#)

**Sponsors:** Administrator

**Attachments:** [12-2-2025 PC Meeting Minutes-Draft](#)  
[2-3-2026 PC Meeting Minutes-Draft](#)  
[2-3-2026 BOA Meeting Minutes-Draft](#)

## DEVELOPMENT DIRECTOR COMMENTS

## PRESENTATION

3. Presentation by the Central Florida Regional Planning Council [26-1592](#)

**Sponsors:** Administrator

**Attachments:** [03\\_03\\_2026 DeSoto Planning Commission](#)

## ACTION ITEMS

- 
4. Resolution / Comprehensive Plan Text Amendment Transmittal - Amending Density Bonus Criteria and Providing for new Affordable/Workforce Housing Density Bonuses (COMP-0015-2025) [26-1594](#)
- Sponsors:** Administrator
- Attachments:** [2026-02-23 COMP-0015-2025 Affordable Housing Density SR for PC](#)  
[2026-02-23 Resolution-Comp Amend Density for PC \(cao tc\) \(002\)](#)
5. Ordinance / Land Development Regulation Amendment updating the criteria for the award for bonus density (LDR-0013-2026) [26-1598](#)
- Sponsors:** Administrator
- Attachments:** [2026-02-20 LDR Affordable Housing SR for PC](#)  
[2026-02-23 Ord Affordable Housing Ord for PC](#)
6. Ordinance / Land Development Regulation Amendment Family Homestead (LDR-0011-2025) [26-1591](#)
- Sponsors:** Administrator
- Attachments:** [2026-02-13 REV Ordinance for PC- revising min acres and ownership](#)
7. Resolution / Comp Plan Amendment Transmittal for Essential Services (COMP-0017-2025) [26-1589](#)
- Sponsors:** Administrator
- Attachments:** [2026-02-10 CPA Essential Services SR for PC](#)  
[2026-02-10 Resolution-CPA Essential Services](#)
8. Ordinance / Land Development Regulation Amendment for Essential Services (LDR-0012-2025) [26-1590](#)
- Sponsors:** Administrator
- Attachments:** [2026-02-13 Essential Services LDR Amend SR for PC](#)  
[2026-02-13 Ord Essential Services Amend LDR for PC](#)
9. Ordinance / DCIP Commercial Data Processing Facility rezone (RZNE-0077-2025) [26-1593](#)
- Sponsors:** Administrator
- Attachments:** [JF 2026-02-19 RZNE-0077-2025 DCIP SR for PC](#)  
[Location Map](#)  
[FLU Map](#)  
[Zoning Map](#)  
[ATT 08 - DCIP Data Center - Rev Concept Plan2025\\_1029 - Rev1](#)  
[2026-02-19 Ordinance RZNE-0077-2025 DCIP JF \(cao 2.23\)](#)

**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

3/3/2026

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Item #: 1.

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- 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 that ran Friday, February 20, 2026.**

**SUMMARY:**

**The legal ad ran in the Your Sun newspaper Friday, February 20, 2026, noticing the following; CPA transmittals for Essential Services & Affordable Housing Density, LDR amendments for Essential Services & amendment to Family Homestead, and the rezone application for DCIP Commercial Data Processing Facility (RZNE-0077-2025).**



Ticket: 3983368-1  
PC, BOCC Mtgs 3.3, 3.24  
4 x 16  
Laura McClelland  
Publish: 2/20/26  
379254 3983369

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

Before the undersigned authority personally appeared Amber Douglas, 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)

02/20/26

as well as being posted online at [www.yoursun.com](http://www.yoursun.com) and [www.floridapublicnotices.com](http://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 20th day of February, 2026

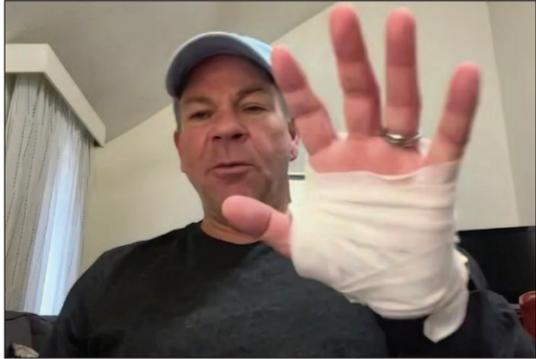
(Signature of Notary Public)



Personally known  X  OR   Produced Identification

CRIME

# 'Courageous citizens' prevent more carnage



ASSOCIATED PRESS

In this image taken from video, Michael Black, a Rhode Island man who helped stop a shooter at a high school hockey game on Monday, holds up his injured hand during an interview with The Associated Press, Thursday, Feb. 19, 2026 in Spartanburg, S.C.

## When Rhode Island shooter started firing, bystanders jumped into action

**MICHAEL CASEY and KIMBERLEE KRUESI**  
Associated Press

PROVIDENCE, R.I. — Sitting in the stands at a hockey game, Michael Black heard what he thought was popping balloons before quickly realizing it was gunfire.

As dozens of people rushed out of the Rhode Island arena, Black told his wife to “run, run” and then lunged toward the shooter’s handgun.

Black managed to get his left hand caught in the chamber of Robert Dorgan’s gun, jamming it and then briefly attempted to hold Dorgan down. But Dorgan, a former body-builder, hoisted Black into the air before at least two other bystanders rushed over to subdue the shooter. One of them could be seen on video putting Dorgan into a choke hold.

Dorgan fell to the ground, with Black on top of him. The shooter died from a self-inflicted gunshot after pulling out a second gun as the two locked eyes. Black never heard Dorgan say a word.

“The first thought was the safety of my wife. And the second thought was, because the bullets were coming out, was to focus in on the gun,” Black said. “Get the gun and then subdue the shooter.”

Pawtucket police have said the shooter behind the deadly ice rink tragedy on Monday was Robert Dorgan, who also went by Roberta Esposito and Roberta Dorgano.

Dorgan’s ex-wife Rhonda Dorgan and adult son Aidan Dorgan were killed in the shooting, and three others were injured: Rhonda Dorgan’s parents, Linda and Gerald Dorgan; and a family friend,

Thomas Geruso, all of whom remained in critical condition Wednesday.

### ‘COURAGEOUS CITIZENS’ HELP STOP TRAGEDY

Along with Black, Robert Rattenni, and Ryan Cordeiro are being credited as subduing the suspect. Separately, Chris Librizzi and Glenn Narodowy, both retired Rhode Island firefighters and EMTs, and nurse Maryann Rattenni provided first aid in the immediate aftermath.

Pawtucket police say this group of “courageous citizens” who rushed to intervene in the attack “undoubtedly prevented further injury and increased the chances of survival for the injured.”

“I look at it as being fortunate, saddened tremendously in the loss, but fortunate that a small group of people could make a difference,” Black said in a Zoom interview Thursday from South Carolina where he was on a college visit with his son.

One of the more puzzling unsolved questions surrounding the ice rink shooting is over why Dorgan chose the Dennis M. Lynch arena. It was a familiar spot for Dorgan’s family, with Aidan Dorgan, 23, playing hockey and had once hoped to be recruited by a college hockey team. He’d shown up Monday to watch his little brother’s hockey match with his mom, grandparents and other family. Dorgan had also been known to frequent the arena to watch family matches.

On Monday, Amanda Wallace-Hubbard, Aidan Dorgan’s sister and step-daughter to Rhonda Dorgan, was in the stands. She has since credited Black as the reason she’s still alive since she was likely next in line to have been shot.

Black also said a detective reached out to him Tuesday to say that one of Dorgan’s daughters wanted to thank him for his efforts.

## 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, and Board of County Commissioners (Board) on the dates and times listed below, 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](http://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 or Board, 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, March 3, 2026 at 5:30 PM**

**BOARD OF COUNTY COMMISSIONERS: (Board) Tuesday, March 24, 2025 at 3:00 PM or 6:30 PM, as indicated below**

**1. Resolution, Comprehensive Plan Amendment Amending the Definition of Essential Services, Transmittal (COMP-0017-2025) PC 5:30 PM & Board 3:00 PM**

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING FOR TRANSMITTAL TO ALL REQUIRED ENTITIES A PROPOSED TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE DESOTO COUNTY COMPREHENSIVE PLAN TO AMEND POLICY 1.1.14 TO BROADEN AND CLARIFY THE DEFINITION OF ESSENTIAL SERVICES, AND MAKING IT CONSISTENT WITH THE LAND DEVELOPMENT REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**2. Ordinance, Land Development Regulation Amendment Section 20-95 “Essential Services” (LDR-0012-2025) PC 5:30 PM**

AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING THE COUNTY LAND DEVELOPMENT REGULATIONS RELATED TO ESSENTIAL SERVICES BY AMENDING SECTION 20-95 “ESSENTIAL SERVICES” TO ALLOW ESSENTIAL SERVICES, AS NEWLY DEFINED, AS PERMITTED USES IN ANY ZONING DISTRICT, INCLUDING THE ADDITION OF MUNICIPAL PUBLIC USE AIRPORTS; IDENTIFYING ESSENTIAL SERVICES THAT ARE ALLOWED ONLY BY SPECIAL EXCEPTION IN THE INDUSTRIAL HEAVY (IH), PUBLIC/INSTITUTIONAL (P/I), AND PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS AND AMENDING SECTIONS 20-140, 20-142, AND 20-144, ACCORDINGLY; AMENDING SECTION 20-1650 TO INCLUDE DEFINITIONS FOR AIRPORT RELATED TERMS AND ESSENTIAL SERVICES; AMENDING SECTION 20-1433(10) TO CLARIFY LANGUAGE AND PROCEDURES RELATED TO REVIEW OF ESSENTIAL SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**3. Ordinance, Land Development Regulation Amendment Section 20-233 “Family Homestead Exemption” PC 5:30 PM & Board 3:00 PM**

AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING SECTION 20-233 “FAMILY HOMESTEAD EXEMPTION,” TO ARTICLE III “SUBDIVISION PROCEDURES” OF CHAPTER 20 OF THE COUNTY’S LAND DEVELOPMENT REGULATIONS TO REVISE THE MINIMUM ACREAGE REQUIREMENTS FOR A PARENT PARCEL; CLARIFYING AND MODIFYING OWNERSHIP AND ELIGIBILITY REQUIREMENTS, INCLUDING PROVISIONS FOR CONTINUOUS OWNERSHIP AND INTRA-FAMILY CONVEYANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

**4. Resolution, Comprehensive Plan Amendment Providing for Density Bonuses for Affordable and/or Workforce Housing, Transmittal (COMP-0015-2025) PC 5:30 PM & Board 3:00 PM**

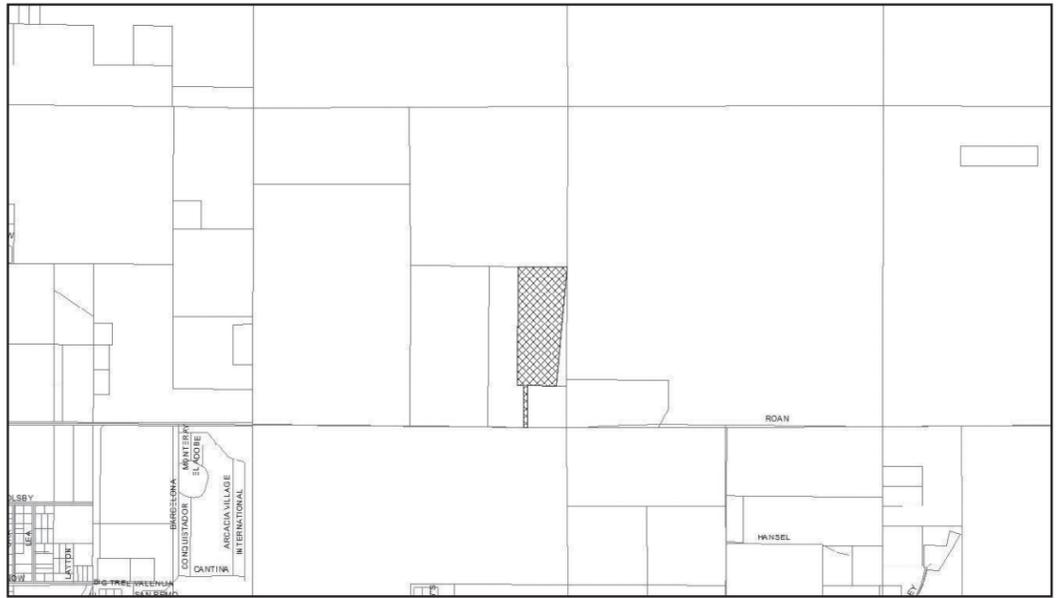
A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING FOR TRANSMITTAL TO ALL REQUIRED ENTITIES A COMPREHENSIVE PLAN TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT TO AMEND OBJECTIVE 1.1 “LAND USE CATEGORIES ESTABLISHED,” RELATED TO DENSITY AND INTENSITY BONUS CRITERIA; AMENDING OBJECTIVE 1.6 “NEIGHBORHOOD MIXED USE CATEGORY DEFINED” AND OBJECTIVE 1.9 “URBAN CENTER LAND USE CATEGORY DEFINED” TO ALLOW FOR INCREASED BONUS DENSITY MAXIMUMS FOR THE LIMITED PURPOSE OF AFFORDABLE AND/OR WORKFORCE HOUSING; CLARIFYING LANGUAGE FOR CONSISTENCY; PROVIDING FOR DEFINITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**5. Ordinance, Land Development Regulation Amendment Section 20-1626 “Criteria for Award of Bonus Density/Intensity” (LDR-0013-2026) PC 5:30 PM**

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 INCLUDING INTENSITY BONUS, AND UPDATING THE CRITERIA FOR THE AWARD FOR BONUS DENSITY/INTENSITY 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.

**6. Ordinance, DCIP Commercial Data Processing Facility Rezone to PUD (RZNE-0077-2025) PC 5:30 PM & Board 6:30 PM**

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, DESOTO COUNTY INDUSTRIAL PARK, LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0077-2025) BY CHANGING THE ZONING DISTRICT OF +/- 34.22 ACRES FROM AGRICULTURAL - 5 (A-5) TO PLANNED UNIT DEVELOPMENT (PUD) WITH A CONCEPT DEVELOPMENT PLAN FOR A 35,134 SQUARE FOOT DATA CENTER FACILITY AND OFFICE ON PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY AT 3800 NE ROAN STREET, THE PROPERTY IDENTIFICATION NUMBER BEING 28-37-25-0000-0031-0000 AND PROVIDING FOR AN EFFECTIVE DATE.



PUBLISH: AS DISPLAY AD Friday, February 20, 2026

adno=3983368-1



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adno=3982882-1



# DeSoto County

3/3/2026

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Item #: 2.

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- 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 Minutes & Board of Adjustment Minutes**

**REQUESTED MOTION:**

**A motion to approve the Planning Commission minutes from 12-02-2025 & 2-3-2026 and the Board of Adjustment minutes from 2-3-2026.**



# DeSoto County

## Planning Commission

### Meeting Minutes - Draft

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Tuesday, December 2, 2025

5:30 PM

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#### **CALL TO ORDER**

Acting Chairman Erik Howard called the meeting to order at 5:32pm

#### **PLEDGE OF ALLEGIANCE**

Acting Chairman Erik Howard, lead the Pledge of Allegiance.

#### **ROLL CALL**

<b>Present</b>	Council Member Erik Howard, Council Member Lynn Banish, Council Member Allen Reesor, and Ex officio LPA school board appointee Jami Schueneman
<b>Absent</b>	Chairperson Bill Martin, and Council Member Theresa Collins-Hill

#### **SET OR AMEND THE AGENDA**

A motion was made by Council Member Banish, seconded by Council Member Reesor, that the agenda be set as presented. The motion carried by the following vote:

<b>Aye:</b>	Council Member Howard, Council Member Banish, and Council Member Reesor
<b>Absent:</b>	Chairperson Martin, and Council Member Collins-Hill

#### **PUBLIC FORM FOR NON-AGENDA ITEMS**

None.

#### **PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION**

A motion was made by Council Member Banish, seconded by Council Member Reesor, to approve the proof of publication. The motion carried by the following vote:

<b>Aye:</b>	Council Member Howard, Council Member Banish, and Council Member Reesor
<b>Absent:</b>	Chairperson Martin, and Council Member Collins-Hill

#### **1. Proof of Publication**

**Attachments:** [Legal Ad Publishers Affidavit](#)  
[Legal Ad Tear Sheet TheDailySun\\_20251121\\_A04](#)

#### **MEETING MINUTES**

#### **2. Planning Commission meeting minutes from November 4, 2025**

**Attachments:**      [11-04-2025 PC Meeting Minutes-Draft](#)

Acting Chairman Erik Howard wanted the minutes to be changed to reflect his absence at the 11-04-2025 meeting.

A motion was made by Council Member Banish, seconded by Council Member Reesor, that this Minutes be approved. The motion carried by the following vote:

**Aye:**                      Council Member Howard, Council Member Banish, and Council Member Reesor

**Absent:**                 Chairperson Martin, and Council Member Collins-Hill

**DEVELOPMENT DIRECTOR COMMENTS**

Planning Director Misty Servia, reminded the board of upcoming training on February 3, 2026 at 5pm prior to the Planning Commission meeting.

**ACTION ITEMS**

**3. Ordinance Creating Section 20-233 Family Homestead Exemption of the LDR (LDR-0011-2025)**

- Attachments:**      [2025-11-25 Final SR for PC](#)  
                                  [Resolution #2025-068](#)  
                                  [FDC 2025-10-09 No Comment Response](#)  
                                  [2025-11-25 Final Ordinance for PC](#)

Misty Servia presented a county-initiated amendment to the Land Development Code in DeSoto County to incorporate the Family Homestead Act. The Development Department proposed a Comprehensive Plan amendment to permit property use as homesteads for immediate family members under Section 163.3179, F.S. After presentations to the Planning Commission and Board of County Commissioners, a public workshop was held to address subdivision concerns. The Board approved the transmittal of the amendment on August 12, 2025, with no objections from the Florida Department of Commerce. The amendment introduces Section 20-233 to the Land Development Regulations, creating exceptions to density standards and minimum lot requirements for family homestead exemptions. Applications must include a certified boundary survey, legal descriptions, a deed of the parent parcel, proposed covenants, and an affidavit verifying family relationships. Eligible parcels must be located in specific zoning districts and cannot be part of recorded subdivisions or created through administrative processes. Approval criteria limit divisions to a maximum of six lots, each with access to public roads. Parcels must remain homesteads for twenty years, with restrictions on transferability unless approved by the Board. Compliance with all regulations is required, and approval letters must be recorded with the clerk of the court. The Board members engaged in an extended discussion during which concerns were duly expressed; notwithstanding such concerns, the Board reached a consensus to recommend adoption of the amendment, with the understanding that said concerns shall be formally conveyed to the Board of County Commissioners, thereby establishing enforceable standards for property division pursuant to the Family Homestead Act

A motion was made by Council Member Banish, seconded by Council Member Reesor, that this Ordinance be recommended for approval. The motion carried by the

following vote:

**Aye:** Council Member Howard, Council Member Banish, Council Member Reesor, and Ex officio LPA school board appointee Schueneman

**Absent:** Chairperson Martin, and Council Member Collins-Hill

**PLANNING COMMISSION MEMBER REMARKS**

None.

**NEXT MEETING**

January 6, 2026

**ADJOURNMENT**

Being no further business before the Planning Commission, Acting Chairperson Howard adjourned the meeting at 6:15PM.

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ACTING CHAIRPERSON  
ERIK HOWARD

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DATE  
12-02-2025

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

## Planning Commission

### Meeting Minutes - Draft

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Tuesday, February 3, 2026

5:00 PM

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#### **CALL TO ORDER**

Chairperson Bill Martin called the meeting to order at 5:00pm.

#### **PLEDGE OF ALLEGIANCE**

Chairperson Bill Martin, led the pledge of allegiance.

#### **ROLL CALL**

**Present** Chairperson Bill Martin, Council Member Lynn Banish, Council Member Allen Reesor, and Council Member Theresa Collins-Hill

**Absent** Council Member Erik Howard

#### **SET OR AMEND THE AGENDA**

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

**Aye:** Chairperson Martin, Council Member Banish, Council Member Reesor, and Council Member Collins-Hill

**Absent:** Council Member Howard

#### **PUBLIC FORM FOR NON-AGENDA ITEMS**

#### **PROOF OF PUBLICATION: MOTION TO FILE PROOF OF PUBLICATION**

#### **MEETING MINUTES**

#### **DEVELOPMENT DIRECTOR COMMENTS**

#### **ACTION ITEMS**

##### **1. Training for Planning Commission / Board of Adjustment Members**

**Attachments:** [Planning Commission Training](#)

Valerie Vincente presented the Board with the training material for the Planning Commission and the Board of Adjustment members. In her presentation she reviewed

- Duties and Responsibilities :
- Planning Commission
- Board of Adjustment
- Sunshine Law
- Public Records Law

- Code of Ethics
- Voting Requirements
- Quasi Judicial vs. Quasi Legislative
- Example: What Planning Commission decisions must be based upon

**2. Election of Chair and Vice-Chair, to become effective at the next regular meeting of the Planning Commission.**

Misty Servia presented a request for the election of Chair and Vice-Chair, to become effective at the next regular meeting of the Planning Commission. Misty Servia requested that the Commissioners commence nominations for Chair. Commissioner Banish nominated Commissioner Martin for the position of Chair. A motion to close the nominations for Chair was made by Commissioner Ressor. A motion to elect Commissioner Martin as the Chair carried unanimously. Thereafter, Misty Servia requested nominations for Vice-Chair. Commissioner Martin nominated Commissioner Allen Reesor for Vice-Chair. A motion to close the nominations for Vice Chair was made by Commissioner Martin. A motion to elect Commissioner Allen Reesor as Vice-Chair carried unanimously.

**PLANNING COMMISSION MEMBER REMARKS**

**NEXT MEETING**

March 3, 2026 at 5:30pm

**ADJOURNMENT**

Being no further business before the Planning Commission, Chairperson Martin adjourned the meeting at 5:30 PM

\_\_\_\_\_  
CHAIRPERSON  
BILL MARTIN

\_\_\_\_\_  
DATE  
02-03-2026

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

## Board of Adjustment

### Meeting Minutes - Draft

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Tuesday, February 3, 2026

5:30 PM

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#### CALL TO ORDER

Chairperson Bill Martin called the meeting to order at 5:42 pm.

#### ROLL CALL

**Present** Chairman Bill Martin, Council Member Lynn Banish, Council Member Allen Reesor, Ex officio LPA school board appointee Jami Schueneman, and Council Member Theresa Collins-Hill

**Absent** Council Member Erik Howard

#### SET OR AMEND THE AGENDA

A motion was made by Council Member Reesor, seconded by Council Member Banish, to set the agenda . The motion carried by the following vote:

**Aye:** Chairman Martin, Council Member Banish, Council Member Reesor, and Council Member Collins-Hill

**Absent:** Council Member Howard

#### PUBLIC FORUM FOR NON-AGENDA ITEMS

#### ACTION ITEMS

1. **Schedule Hearing for the Lewis Hall Appeal (APPL-0011-2025) of Development Director Decision re: Certified Lot Split**

**Attachments:** [Applicant request for Appeal](#)  
[Exhibit A-Denial Letter & Survey](#)  
[Exhibit B-Quit Claim Deed](#)  
[Exhibit C-Application with attachments](#)  
[Exhibit D-Ordinance 2025-010](#)  
[Exhibit E-ingress egress easement](#)  
[Exhibit F-GIS Map of Driveway distance](#)  
[Exhibit G-Picture of driveway from Pine Island Rd](#)  
[Exhibit H-Engineering Detail D-3A](#)  
[Exhibit I-Engineering Detail D-17C](#)  
[Exhibit J-Engineer Report Construction of Driveway](#)

Misty Servia, Planning Director presented a request to schedule the Lewis Hall Appeal hearing for the March 3, 2026 Board of Adjustment meeting, or for another reasonable date as determined by the Board. The Board engaged in discussion regarding the most appropriate date and time for the hearing. The

applicant was present and requested that the hearing be scheduled prior to March 3, 2026 in order to expedite the process. Following additional discussion, and in an effort to accommodate the applicant’s request, the Board reached consensus to schedule the Appeal hearing for February 17, 2026 at 5:00 p.m.

A motion was made by Commissioner Banish, seconded Commissioner Ressor, to formally schedule the Appeal hearing for February 17, 2026 at 4:00 p.m., with an alternate date of March 3, 2026 at 5:00 p.m. should any conflict arise with the primary date. The motion passed unanimously.

Commissioner Ressor then moved to adjourn the meeting, with a second by Commissioner Banish. The motion passed unanimously

**BOARD MEMBERS REMARKS**

**ADJOURNMENT**

Being no further business before the Planning Commission, Chairperson Martin adjourned the meeting at 5:58 PM

\_\_\_\_\_  
CHAIRPERSON  
BILL MARTIN

\_\_\_\_\_  
DATE  
02-03-2026

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

3/3/2026

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Item #: 3.

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

**DEPARTMENT:** Planning & Zoning  
**SUBMITTED BY:** Laura McClelland  
**PRESENTED BY:** Jennifer Codo-Salisbury

**TITLE & DESCRIPTION:**

**Presentation by the Central Florida Regional Planning Council**

**SUMMARY:**

**Discussion regarding the revision of the DeSoto County Comprehensive Plan.**

**To:** DeSoto County Planning Commission

**Date:** March 3, 2026

**Subject:** **DeSoto County Comprehensive Plan Update**

**Background**

- The State of Florida Department of Commerce (FloridaCommerce) has awarded DeSoto County a Competitive Florida Technical Assistance Grant in the amount of \$75,000 for Fiscal Year 2025-2026.
- Through the grant, the County, in partnership with the Central Florida Regional Planning Council (CFRPC) will update the DeSoto County Comprehensive Plan to the Year 2050 Planning Horizon. This effort includes:
  - (1) public meetings/workshops to present project information and solicit public input;
  - (2) preparation of an existing conditions and data analysis required by Florida Statutes;
  - (3) project website; and
  - (4) drafting of amendments for the Comprehensive Plan Update.
- At the March 3, 2026, Planning Commission meeting, the CFRPC staff will provide an overview of the project and a project schedule.

**Actions Requested**

- None



# DeSoto County

3/3/2026

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

**DEPARTMENT:** Planning & Zoning  
**SUBMITTED BY:** Laura McClelland  
**PRESENTED BY:** John Osborne

**TITLE & DESCRIPTION:**

**Resolution / Comprehensive Plan Text Amendment Transmittal - Amending Density Bonus Criteria and Providing for new Affordable/Workforce Housing Density Bonuses (COMP-0015-2025)**

**REQUESTED MOTION:**

**A motion to enter into the record this development review report and make a recommendation to the Board of County Commissioners to adopt/deny the proposed resolution for the Comprehensive Plan Amendment and approve for transmittal.**

**SUMMARY:**

**The following are proposed amendments to the DeSoto County Comprehensive Plan Future Land Use Element that are related to providing higher bonus densities for designated Workforce and Affordable Housing developments within the existing Neighborhood Mixed Use Future Land Use and Urban Center Mixed Use categories. The amendments are limited to areas of unincorporated county that are in proximity to infrastructure and services. These higher bonus densities criteria have been clarified but relocated to the LDRs and are part of that amendment. Other amendments provide additional policy clarification and general clean-up.**

**BACKGROUND:**

**The following provides a background for the need for affordable and workforce housing in unincorporated DeSoto County. Most new single-family residential subdivisions in the county are developed with relatively low densities (dwelling units per acre). The most common are the minor subdivisions (6 lots or less) and larger scale PUD zoned developments by major developers. For minor subdivisions, the lots can be larger (e.g., 5, 10 acres or greater) and can be as small as ½ acre if they meet the zoning requirements and any utility requirements by the State for well and septic.**

**Most larger scale single-family residential tract home builders prefer major subdivisions**

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of 200 + units with 1.5 to 2 dwelling units per gross acre in private, gated communities and have PUD zoning. This low density is typically due to the likely presence of wetlands, typical sizing of infrastructure (e.g., roadway widths, etc.), providing amenities, the requirements of open space, buffers, setbacks, and stormwater ponds.

While both subdivision types are common, both types of lower density development can be financially challenging for the local government to serve in terms of revenue earned versus the cost of providing services and infrastructure. As an example, this is especially true when it comes to transportation capacities and the amount of driving (commute times, lane miles utilized per capita, etc.) that future residents and service providers will use in daily life. More lane miles used per household means more road miles for a local government to maintain.

Location and density are critical components to the efficiency of services that are mentioned in the Bonus Density criteria (Policy 1.1.4). However, due to the amount of detail associated and the need for the exact language in the LDRs, the policy has been generalized and the more specific language moved to the LDRs.

In terms of providing incentives or criteria for affordable housing, the County does have existing requirements for at least 10% affordable or workforce housing within villages.

These are new developments within designated “New Communities”, which are established by the New Community Area Map, FLUEMS-8 in the Future Land Use Element. There are two New Communities on the map with existing entitlements mentioned in the policies under Objective 4.1. However, neither New Community 1 or 2 has yet to achieve any significant development or affordable housing.

Like many rural communities in the region and throughout the State of Florida, housing is often developed in areas that are not near infrastructure and services, making housing less affordable, which is an issue for the County and its workforce. According to United Way of Florida’s 2024 ALICE (Asset Limited, Income Constrained, Employed) Report, which examined data in 2023, DeSoto households that met the ALICE criteria were 40% (state avg. 34%) of the 12,656 households. Meaning, these households are living “paycheck to paycheck” and any unexpected expenses can be traumatic.

The Household Survival Budget from the ALICE Report reflects the minimum cost to live and work in the current economy and includes housing, childcare, food, transportation, health care, technology, and taxes. It does not include savings for emergencies or future goals like college or retirement. In 2023, household costs in every county in Florida were well above the Federal Poverty Level of \$14,580 for a single adult and \$30,000 for a family of four. For DeSoto County in 2023, the survival budget for the various types of households is as follows:

For calculating affordability, state agencies consider the Area Median Income (AMI). The AMI for DeSoto County, FL in 2025 is \$64,400 and the following illustrates what thresholds area households based upon their income, could qualify for housing programs. Developers that provide housing at these levels and higher levels (e.g., 80-120% AMI) may also be able to qualify for various incentives and financing with various state and federal programs for new housing. Most incentive programs are for rental housing though, instead of homeownership-based programs.

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- **Extremely Low-Income (30% AMI):**
  - **1 Person: \$15,650**
  - **4 Persons: \$32,150**
- **Very Low-Income (50% AMI):**
  - **1 Person: \$24,950**
  - **4 Persons: \$47,000**
- **Low-Income (80% AMI):**
  - **1 Person: \$39,900**
  - **4 Persons: \$56,950**

**Another major factor in household survival next to food is transportation. The average cost of insuring, fueling, maintaining, registration, and taxes associated with auto ownership in Florida is \$8,483 per vehicle (*which does not include the cost of the actual vehicle itself*) according to GoBankingRates.com, BankRate.com, and Insurance.com. Owning more than one automobile can be challenging for lower income households, which is why proximity to employment and services are critical. If a household can have one fewer car, better housing and other needs are more achievable.**

**Housing density is a critical component of providing affordable housing. Land values remain and continue to increase in cost. Recent trends show a slight decline in housing and land prices, but overall prices are still high versus wages and make home ownership and rent challenging for the community's workforce. The ability for a developer to provide more dwelling units per acre of property is critical to the ability to provide a greater quantity of housing to the area and potentially some affordable units.**

**Multi-family developments can provide a greater quantity of affordable housing more efficiently than single-family attached and detached housing due to the limited amount of infrastructure that must be constructed per household (e.g., water lines, sewer lines, new streets, stormwater infrastructure, etc.). Multi-family design concentrates the dwelling units with a minimal amount of infrastructure. Typically, multi-family buildings are constructed on existing public streets and connect/extend existing utilities to their site. Residents normally park their vehicles at on-site parking lots and utilize any on-site amenities for recreation. These savings are passed on in the business plan of development translating to the ability to charge reduced rents. Multi-family rental developments also have more programs available to them in terms of developing affordable housing versus single-family and ownership programs.**

**Greater density in these specific locations also provides incentives for developers of market-rate ownership-based (non-rental) housing to build in areas that are in closer proximity to services as the proposed definition of affordable housing includes proposed development with at least 25% of units designated as affordable. It also provides the ability for the developer to integrate some affordable units at the desired income levels into their market rate project. In many other jurisdictions, they provide other incentives for affordable housing to include waiver of certain development requirements, quicker / priority development and permit review, etc.**

**As mentioned in the Bonus Density Criteria in Policy 1.1.4, location is not only critical to achieve the bonus density, but it is also critical to the residents. For affordable housing**

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developers, the lower costs to develop (locate on existing roads, utilizes, etc.) are extended to the price of the rent that can be charged to future residents. The location of affordable housing in proximity to services, employment, schools, etc., also adds to the affordability of maintaining a household budget, especially if one fewer automobile per household can be achieved.

The current maximum densities provided for in the DeSoto County Comprehensive Plan are relatively low and more rural or suburban oriented. When property is located near services and infrastructure, higher densities should be considered and may help to encourage housing that is more attainable for residents and the workforce. According to the National Association of Home Builders, [How Zoning Regulations Affect Affordable Housing <https://www.nahb.org/blog/2024/11/zoning-regulation-and-affordable-housing>](https://www.nahb.org/blog/2024/11/zoning-regulation-and-affordable-housing), Nov. 11, 2024, “... *implementing zoning reforms that encourage higher-density developments and reduce bureaucratic barriers will create a more accessible housing landscape.*”



## DESOTO COUNTY DEVELOPMENT DEPARTMENT

**CASE#:** COMP-0015-2025

**REQUEST:** County-Initiated Text Amendment to the Comprehensive Plan Future Land Use Element

**APPLICANT:** DeSoto County Government

**PROPERTY ID:** NA

**PROPERTY ADDRESS:** NA

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### DEVELOPMENT REVIEW REPORT

The following are proposed amendments to the DeSoto County Comprehensive Plan Future Land Use Element that are related to providing higher bonus densities for designated Workforce and Affordable Housing developments within the existing Neighborhood Mixed Use Future Land Use and Urban Center Mixed Use categories. The amendments are limited to areas of unincorporated county that are in proximity to infrastructure and services. These higher bonus densities criteria have been clarified but relocated to the LDRs and are part of that amendment. Other amendments provide additional policy clarification and general clean-up.

#### I. BACKGROUND

The following provides a background for the need for affordable and workforce housing in unincorporated DeSoto County. Most new single-family residential subdivisions in the county are developed with relatively low densities (dwelling units per acre). The most common are the minor subdivisions (6 lots or less) and larger scale PUD zoned developments by major developers. For minor subdivisions, the lots can be larger (e.g., 5, 10 acres or greater) and can be as small as ½ acre if they meet the zoning requirements and any utility requirements by the State for well and septic.

Most larger scale single-family residential tract home builders prefer major subdivisions of 200 + units with 1.5 to 2 dwelling units per gross acre in private, gated communities and have PUD zoning. This low density is typically due to the likely presence of wetlands, typical sizing of infrastructure (e.g., roadway widths, etc.), providing amenities, the requirements of open space, buffers, setbacks, and stormwater ponds.

While both subdivision types are common, both types of lower density development can be financially challenging for the local government to serve in terms of revenue earned versus the cost of providing services and infrastructure. As an example, this is especially true when it comes to transportation capacities and the amount of driving (commute times, lane miles utilized per capita, etc.) that future residents and service providers will use in daily life. More lane miles used per household means more road miles for a local government to maintain.

Location and density are critical components to the efficiency of services that are mentioned in the Bonus Density criteria (Policy 1.1.4). However, due to the amount of detail associated and the need for the exact language in the LDRs, the policy has been generalized and the more specific language moved to the LDRs.

In terms of providing incentives or criteria for affordable housing, the County does have existing requirements for at least 10% affordable or workforce housing within villages. These are new developments within designated “New Communities”, which are established by the New Community Area Map, FLUEMS-8 in the Future Land Use Element. There are two New Communities on the map with existing entitlements mentioned in the policies under Objective 4.1. However, neither New Community 1 or 2 has yet to achieve any significant development or affordable housing.

Like many rural communities in the region and throughout the State of Florida, housing is often developed in areas that are not near infrastructure and services, making housing less affordable, which is an issue for the County and its workforce. According to United Way of Florida’s 2024 ALICE (Asset Limited, Income Constrained, Employed) Report, which examined data in 2023, DeSoto households that met the ALICE criteria were 40% (state avg. 34%) of the 12,656 households. Meaning, these households are living “paycheck to paycheck” and any unexpected expenses can be traumatic.

The Household Survival Budget from the ALICE Report reflects the minimum cost to live and work in the current economy and includes housing, childcare, food, transportation, health care, technology, and taxes. It does not include savings for emergencies or future goals like college or retirement. In 2023, household costs in every county in Florida were well above the Federal Poverty Level of \$14,580 for a single adult and \$30,000 for a family of four. For DeSoto County in 2023, the survival budget for the various types of households is as follows:

Name	Single Adult	One Adult	One Adult	Two Adults		Two Adults	Single Senior	Two Seniors
		One Child	One	Two Adults	Two Children	Two	65+	65+
Housing	\$ 788	\$ 805	\$ 805	\$ 805	\$ 910	\$ 910	\$ 788	\$ 805
Child Care	\$ -	\$ 219	\$ 583	\$ -	\$ 438	\$ 1,459	\$ -	\$ -
Food	\$ 465	\$ 786	\$ 705	\$ 852	\$ 1,429	\$ 1,261	\$ 428	\$ 784
Transportation	\$ 469	\$ 604	\$ 604	\$ 709	\$ 996	\$ 996	\$ 399	\$ 568
Health Care	\$ 162	\$ 488	\$ 488	\$ 488	\$ 759	\$ 759	\$ 575	\$ 1,150
Technology	\$ 86	\$ 86	\$ 86	\$ 116	\$ 116	\$ 116	\$ 86	\$ 116
Miscellaneous	\$ 197	\$ 299	\$ 327	\$ 297	\$ 465	\$ 550	\$ 228	\$ 342
Taxes	\$ 269	\$ 201	\$ 256	\$ 346	\$ 270	\$ 443	\$ 335	\$ 583
Monthly Total	\$ 2,436	\$ 3,488	\$ 3,854	\$ 3,613	\$ 5,383	\$ 6,494	\$ 2,839	\$ 4,348
ANNUAL TOTAL	\$ 29,232	\$ 41,856	\$ 46,248	\$ 43,356	\$ 64,596	\$ 77,928	\$ 34,068	\$ 52,176
Hourly Wage	\$ 15	\$ 21	\$ 23	\$ 22	\$ 32	\$ 39	\$ 17	\$ 26

For calculating affordability, state agencies consider the Area Median Income (AMI). The AMI for DeSoto County, FL in 2025 is \$64,400 and the following illustrates what thresholds area households based upon their income, could qualify for housing programs. Developers that provide housing at these levels and higher levels (e.g., 80-120% AMI) may also be able to qualify for various incentives and financing with various state and federal programs for new housing. Most incentive programs are for rental housing though, instead of homeownership-based programs.

- Extremely Low-Income (30% AMI):
  - 1 Person: \$15,650
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Housing density is a critical component of providing affordable housing. Land values remain and continue to increase in cost. Recent trends show a slight decline in housing and land prices, but overall prices are still high versus wages and make home ownership and rent challenging for the community's workforce. The ability for a developer to provide more dwelling units per acre of property is critical to the ability to provide a greater quantity of housing to the area and potentially some affordable units.

Multi-family developments can provide a greater quantity of affordable housing more efficiently than single-family attached and detached housing due to the limited amount of infrastructure that must be constructed per household (e.g., water lines, sewer lines, new streets, stormwater infrastructure, etc.). Multi-family design concentrates the dwelling units with a minimal amount of infrastructure. Typically, multi-family buildings are constructed on existing public streets and connect/extend existing utilities to their site. Residents normally park their vehicles at on-site parking lots and utilize any on-site amenities for recreation. These savings are passed on in the business plan of development translating to the ability to charge reduced rents. Multi-family rental developments also have more programs available to them in terms of developing affordable housing versus single-family and ownership programs.

Greater density in these specific locations also provides incentives for developers of market-rate ownership-based (non-rental) housing to build in areas that are in closer proximity to services as the proposed definition of affordable housing includes proposed development with at least 25% of units designated as affordable. It also provides the ability for the developer to integrate some affordable units at the desired income levels into their market rate project. In many other jurisdictions, they provide other incentives for affordable housing to include waiver of certain development requirements, quicker / priority development and permit review, etc.

As mentioned in the Bonus Density Criteria in Policy 1.1.4, location is not only critical to achieve the bonus density, but it is also critical to the residents. For affordable housing developers, the lower costs to develop (locate on existing roads, utilizes, etc.) are extended to the price of the rent that can be charged to future residents. The location of affordable housing in proximity to services, employment, schools, etc., also adds to the affordability of maintaining a household budget, especially if one fewer automobile per household can be achieved.

The current maximum densities provided for in the DeSoto County Comprehensive Plan are relatively low and more rural or suburban oriented. When property is located near services and infrastructure, higher densities should be considered and may help to encourage housing that is more attainable for residents and the workforce. According to the National Association of Home Builders, [How Zoning Regulations Affect Affordable Housing](#), Nov. 11, 2024, "... *implementing zoning reforms that encourage higher-density developments and reduce bureaucratic barriers will create a more accessible housing landscape.*"

### Methodology of Proposed Changes

DeSoto County's Comprehensive Plan Future Land Use Element has a variety of Future Land Use Map designations, providing for residential and non-residential development. The designations also allow a variety of residential densities (dwelling units per acre) and non-residential intensities (floor-area-ratio of land area to building area).

The Future Land Use Element also allows for the approval of Bonus Density, as qualified by Policy 1.1.4. This policy states these higher density opportunities can be found to be appropriate when developing in proximity to public infrastructure, proposing designs that protect environmentally sensitive areas, providing increased open and public recreational spaces, and other exceptional design components, that help to balance the higher densities with designs that are determined to be more community oriented and efficient to serve (given level of detail and not general policy guidance, detail has been moved to LDRs and clarified).

The Urban Center Mixed Use and Neighborhood Mixed Use categories currently offer an existing bonus maximum density of 8 and 5 du/ac respectively. They appear to be the best areas to offer higher bonus densities (up to 12 du/ac) for Workforce and Affordable housing designated development, as development in these areas are primarily residential uses in progressive degrees of urban intensity with higher density in areas adjacent to or within the Urban Center and less density/intensity in areas adjacent to the Low and Medium Density Residential and Rural/Agricultural categories.

These areas generally have existing or planned service with central water and sewer systems, stormwater management facilities, and paved public roadways. They are also in proximity to services and major employers. The location of the Urban Center Mixed Use and Neighborhood Mixed Use areas are normally at major collector and arterial road intersections, where such crossroads act as village and hamlet town centers.

It is important to balance growth and development with the rural and agricultural history of the community. Finding areas for denser development that work from an infrastructure and compatibility perspective is critical. Locating this type of affordable housing near employers and schools is also important for working families.

### III. PROPOSED CHANGES TO ELEMENT

The following updates are proposed and highlighted in yellow. Below is the Land Use Summary Table and related policies, which serves as a quick reference guide for staff and the public to understand the minimum and maximum densities (dwelling units per acre – abbreviated as du/acre) and intensities (Floor to Area Ratio – abbreviated as FAR) by land use category which has specific items reflected not reflected in the other polices and vice-versa.

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

<b>Land Use</b>	<b>Base Density/Intensity</b>	<b>Bonus Density/Intensity<sup>2</sup> (Policy 1.1.3)</b>
<i>Rural/Agriculture</i>	<i>Residential – Up to 1 du/10 acres Non-residential – Up to 0.4 FAR maximum</i>	<b>No bonus</b>
<i>Low-Density Residential</i>	<i>Residential – Up to 2 du/acre Non-residential – Up to 0.4 FAR</i>	<i>3.5 du/ac maximum* 1.0 FAR maximum</i>

<b>Land Use</b>	<b>Base Density/Intensity</b>	<b>Bonus <u>Density/Intensity</u><sup>*</sup> (Policy 1.1.3)</b>
Medium-Density Residential	Residential – Up to 3.5 du/acre	5 du/ac maximum *
Neighborhood (Live/Work) Mixed Use	Residential – Up to 3.5 du/acre Non-residential – Up to 0.4 FAR	5 du/ac maximum*  8 du/ac maximum for workforce housing*  12 du/ac maximum for affordable housing*  0.6 FAR maximum*
Employment Center	Non-residential – Up to 0.5 FAR	Non-residential – Up to 0.7 FAR  0.7 FAR maximum*
Urban Central Mixed Use	Residential – Up to 5 du/acre Non-residential – Up to 0.6 FAR	8 du/acre maximum  10 du/acre maximum for workforce housing*  12 du/ac maximum for affordable housing*  2.0 FAR maximum
Commercial	Non-residential- Up to 0.25 FAR	Non-residential – Up to 0.35 FAR maximum*
Public Land and Institutions	<i>Publicly and semi-publicly owned lands that are effectively controlled from developing into a typical residential density or private non-residential land use not involved in service to the public. Examples include park, correctional facilities, sewer plants, etc.</i>	
Electrical Generating Facility	<i>This land use category is intended for electrical power generating facilities, w h i c h includes electric power plants and related facilities. This public service use includes directly related facilities for the production of electricity.</i>	
Preservation	<i>Dedicated by plat, site plan, easement or similar designation; permanently protected environmentally sensitive lands that may only be utilized for limited passive recreation.</i>	
Overlays	<b>Conservation:</b> <i>Limited development subject to environmental analysis and protection of natural resources. Reverts to underlying future land use category if not in conservation area.</i>	

Land Use	Base Density/Intensity	Bonus <u>Density/Intensity</u> <sup>*</sup> (Policy 1.1.3)
	<b>Generalized Phosphate Mining:</b> Areas identified as having the highest potential for phosphate mining based on soil types and recognized mineral deposits.	
	<b>Existing Community Overlays (see Map FLUEMS-7):</b> Areas identified as Fort Ogden, Nocatee, and the City of Arcadia Urban Expansion Area (Map FLUEMS-7).	
Master Planned Area	Identified and planned larger projects that must be developed as a whole. They are identified to ensure overall community/county integration and vision is achieved, versus isolated islands of development.	

**Note: This is a summary table, please check associated policies for specific regulations as some land use categories have additional requirements or limitations.**

**\*Subject to Policy 1.1.4.**

The following policies summarize the criteria for awarding density bonuses.

Policy 1.1.3 has been updated for consistency with the proposed changes to the specific land use policies and the title and policy has been amended clarifying that the policy covers the density *and* intensity.

**Policy 1.1.3: Density Unit and Intensity Bonus Limits.** The Land Development Regulations shall require that Planned Developments developments seeking bonus density and/or intensity meet the and include performance criteria for density and intensity bonuses within the various future land use categories, up to the following levels:

- (1) Low-Density Residential Use - Up to 3.5 dwelling units per acre and up to a 1.0 FAR.
- (2) Medium-Density Residential Use - Up to 5 dwelling units per acre
- (3) Neighborhood Mixed Use – Up to 5 dwelling units per acre for market rate residential units and up to 8 du/ac for Workforce Housing and up to 12 du/ac for Affordable Housing (per Policy 1.1.4) and up to 0.6 FAR
- (4) Employment Center- up to 1.2 FAR
- (5) Urban Center Mixed Use – Up to 8 dwelling units per acre for market rate residential units and up to 10 du/ac for Workforce Housing and up to 12 du/ac for Affordable Housing (per Policy 1.1.4); up to 1.6 FAR

Policy 1.1.4 contains language requiring the establishment of a bonus point schedule for the Land Development Regulations (LDR) but was never created. This policy has been amended to generally reflect the existence of criteria, but the specifics are in the LDRs.

**Policy 1.1.4 : Density and Intensity Bonus Criteria.** ~~A bonus point schedule shall be established within the Land Development Regulations. The Land Development Regulations shall provide criteria for the award of bonus density and intensity which schedule shall give consideration to the performance criteria listed below as a minimum:~~

~~(1) Provisions and overall design of the project, proximity to public infrastructure (water, sewer, urban roads), employment, affordable housing, and services.~~

~~(2) Proximity to public safety (Fire/EMS)~~

~~(3) Proximity to schools~~

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

~~(5) Increased urban design and landscaping~~

~~(6) Increased public recreation and open space~~

~~(7) Affordable Housing~~

~~(8) Mixed use developments and mixed use buildings~~

~~(9) Adjacent to lands developed with similar densities~~

~~(10) Connectivity between developments~~

~~(11) Donation of usable public land~~

~~(12) Use of multiple performance criteria to achieve higher densities~~

~~Transfer of Development Rights (TDR's)~~

Policy 1.6.9 has been amended to clarify the maximum base density and additional density if a proposal is consistent with the Bonus Density criteria. However, staff reports include an analysis for consistency with these standards but there is no points system in the Land Development Regulations but specific criteria are now proposed.

**Policy 1.6.9:** *Each village shall have a village center. The village center shall be designed as a shopping center to include uses such as grocery anchor, restaurants, office and general retail. Vertical mixed-use buildings are encouraged.* ~~Bonus points for intensity shall be determined within the Land Development Regulations.~~

The following new policy describes the maximum densities and intensities currently available in the Neighborhood Mixed Use land use category, which is not mentioned in this section as it is in the earlier summary policies. It also adds addition density for housing developments meeting the criteria of Policy 1.1.4.a and utilizes the proposed definitions of Workforce and Affordable housing and assigns them respective maximum densities.

**Policy 1.6.13:** *The maximum base density allowed for residential projects within the Neighborhood Mixed Use category is 3.5 dwelling units per acre. The maximum bonus density that may be allowed for residential projects is up to 5 dwelling units per acre if the bonus density criteria in the LDRs are met.*

**Policy 1.6.14: Workforce Housing developments may have a maximum bonus density of 8 du/ac and Affordable Housing developments may have a maximum bonus density of 12 du/ac if bonus density criteria are met in Policy 1.1.4 and consistent with the criteria in the LDRs.**

The following new developments consistent with the criteria in the LDRs occur

The Urban Center Mixed Use land use designation is within the

City of Arcadia Urban Expansion Area, which has public schools within it. As a comparison of the proposed increases in density and intensity, the City of Arcadia has the following land use categories and maximum densities/intensities that are adjacent to this area:

- Low Density Residential – 6 du/ac max
- Medium Density Residential – 14 du/ac max
- High Density Residential – 30 du/ac max
- Mixed Use Business – 14 du/ac max
- Business – 3.0 FAR max
- Public Building and Grounds – 3.0 FAR Max

According to Map FLUEMS-7 (see Exhibit C), the areas (north and east) adjacent to the City are designated Urban Center Mixed Use which has a base maximum density of 5 du/ac and a bonus density maximum of 8 (12 du/ac proposed for affordable housing). West of US 17 is designated Rural / Agricultural on County's land use.

The area along the south side of the City's golf course to NE Roan Street is designated by the City as Rec and Open Space (golf course), Industrial, Business, and Medium Density Residential, with appropriate buffering by new development in the county, and could be generally compatible with adjacent development (subject to County staff review of specific development applications).

**Policy 1.9.3: A mixture of uses shall be provided within the Urban Center Mixed Use category. The mix shall be regulated by each Special Community as depicted in Maps FLUEMS-7 and FLUEMS-8 that include the Urban Center Mixed Use future land use designation as follows:**

**Arcadia Urban Expansion Area:**

<b>General Use</b>	<b>Density/ Intensity</b>	<b>Minimum</b>	<b>Maximum</b>
<i>Non-Residential Uses</i>	<i>0.6 FAR</i>	<i>30%</i>	<i>50%</i>

<b>General Use</b>	<b>Density/ Intensity</b>	<b>Minimum</b>	<b>Maximum</b>
<i>Residential Uses</i>	<del>8 du/ac</del> <u>Per Future Land Use Map Category</u>	20%	50%
<i>Light Industrial</i>	0.6 FAR	0%	20%

The following new policy describes the maximum densities available in the Urban Center Mixed Use land use category but are not mentioned in this section as it is in the earlier summary policies. It adds additional density for housing developments meeting the criteria of Policy 1.1.4.a and utilizes the proposed definitions of Workforce or Affordable housing and

**Policy 1.9.9: The maximum base density allowed for residential projects within the Urban Center Mixed Use category is 5 dwelling units per acre. The maximum bonus density that may be allowed for residential projects is up to 8 dwelling units per acre if bonus density criteria in the LDRs are met.**

The following new policy describes the bonus density maximums for designated affordable and workforce housing developments if consistent with the criteria in the LDRs.

**Policy 1.9.10: Workforce Housing developments may have a maximum bonus density of 8 du/ac and Affordable Housing developments may have a maximum bonus density of 12 du/ac if bonus density criteria are met in Policy 1.1.4 and**

The following ~~consistent with the criteria in the LDRs~~ it consistent with the existing numbers in the summary table in Policy 1.1.2. No changes to the maximum are proposed, just adds language in the related policies for clarification.

**Policy 1.9.11: Non-residential projects within the Urban Center Mixed Use land use shall be limited to a maximum floor area ratio not to exceed 0.6 but may apply for bonus intensity of up to 2.0 FAR if the development meets the criteria in Policy 1.1.4 and the LDRs.**

The County does not have any policies or restricts (outside of FAA requirements surrounding airports) for building heights. The accompanying amendment to the Land Development Regulations provides a maximum height for residential uses.

New definitions are proposed to clarify references to “affordable housing” and “workforce housing” in these amendments.

## **DEFINITIONS**

***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.

***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.

## **IV. DATA & ANALYSIS**

Section 163.3177(1)(f), Florida Statutes, provides that all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

The following is a review for consistency with the DeSoto County Comprehensive Plan. Staff has also provided a more detailed *Supportive Data and Analysis Report for County-Initiated Comprehensive Plan Text Amendment COMP-0015-2025*, see Exhibit D, referenced in this report.

### Consistency with the Comprehensive Plan

The proposed amendment application has been reviewed for consistency with the following Comprehensive Plan provisions.

### **Future Land Use Element (FLUE) Provisions**

**GOAL 1: FUTURE GROWTH.** Through 2040, future growth in DeSoto County will be managed using sustainability and smart growth principles to accommodate new growth without compromising the ability of future generations to meet their needs. The Future Land Use Element shall be used as a tool to direct the most intensive

growth into the urban center and surrounding areas, optimizing services and infrastructure, protecting the rural character of the County, and protecting the environment.

*Consistency analysis: The proposed amendment increasing the allowable density of the Urban Center Mixed Use and the Neighborhood Mixed-Use categories is for designated Workforce and Affordable housing developments. The policy has been amended for future projects to consider overall project design, proximity to public infrastructure (water, sewer, urban roads), employment, and services. The details implementing this policy have been moved to the LDRs. Increasing density and concentrating development in these areas is consistent with this goal. Based on the above, it is concluded the amendment can be found **consistent** with this goal.*

**Policy 1.1.13: BEBR.** The County will ensure that the Future Land Use Map includes adequate amounts of lands to accommodate the medium projected housing growth by the University of Florida's Bureau of Economic and Business Research for a 10-year and 15-year planning period.

*Consistency analysis: According to UF BEBR, using a Medium population growth, the county's population is expected to grow by approximately 1,000 persons in 25 years (40 persons or 7 dwelling units per year). Using UF BEBR's High projections, the county's population is expected to grow by approximately 6,500 persons in 25 years (260 persons or 102 dwelling units per year). Given the amount of growth and development in the county, the High projection at this point in 2025, is a more reasonable projection. This slower rate of growth provides the County with decades to meet adopted level of service standards. It is also important to acknowledge that Future Land Use designations and their maximum density have little to no impact on the rate or amount of population growth in this case. Most developments do not utilize the maximum development density or intensity available. Based on the above, it is concluded the amendment can be found*

**Objective 16: Sprawl and Redevelopment.** The County shall maintain regulations and procedures to limit the proliferation of urban sprawl and encourage redevelopment and revitalization of blighted areas.

**Policy 1.16.1:** The County shall encourage infill development within the Urban Center Mixed Use, Employment Center and Neighborhood Mixed Use Areas of the County by:

- (1) Increases in densities or intensities of use for infill parcels served by adequate public facilities and services.
- (2) Expedition of the permitting process for infill development proposals.
- (3) Consideration of exceptions to requirements such as minimum lot sizes, minimum setbacks, or minimum parking requirements to provide for residential, affordable residential and economically viable commercial opportunities that are compatible with the adjacent uses.

- (4) Prioritize public expenditures to areas of higher intensities and densities of use to encourage development to locate where public facilities are more readily and more economically available.
- (5) Coordination with municipal, county and state transportation facilities to provide adequate levels of service that support higher densities and intensities of development within or adjacent to currently developed areas.

*Consistency analysis: The Urban Center Mixed Use and Neighborhood Mixed Use Areas and the specific areas identified are recognized as being in developing and redevelopment areas of the county in proximity to infrastructure and services. Concentrating Workforce and Affordable residential development within these areas potentially increases the efficiency of County services and infrastructure. Proximity to employment also increased affordability and overall cost of living for residents. Based on the above, it is concluded that the amendment can be found **consistent** with this policy and the Supportive Data and Analysis Report.*

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

*Consistency analysis: The Urban Center Mixed Use and Neighborhood Mixed Use Areas and the specific areas identified are recognized as being in developing and redevelopment areas of the county in proximity to infrastructure and services. Concentrating Workforce and Affordable residential development within these areas potentially increases the efficiency of County services and infrastructure. Proximity to employment also increased affordability and overall cost of living for residents.*

*The proposed amendments to increase the bonus density of affordable housing only in these specific areas is consistent with this policy and the Supportive Data and Analysis Report.*

*Based on the higher BEBR population projections, it is concluded that DeSoto County will have decades to accommodate any impacts generated from the proposed amendment. Based on the above, it is concluded the amendment can be found **consistent** with this policy and the Supportive Data and Analysis Report.*

**Objective 1.22: Concurrency Management.** DeSoto County shall implement a development review process to ensure that development occurs where public facilities have sufficient capacity to serve the existing population, reservations of approved development orders, and for the needs of the development proposed, based on level-of-service standards as established by the Comprehensive Plan, adopted in accordance with Section 163.3202(1), FS. and implemented through the procedures within the Land Development Regulations.

*Consistency analysis: DeSoto County's Comprehensive Plan enforces concurrency management consistent with State requirements (Chapter 163.3180)*

and those outlined in the LDRs and Comprehensive Plan. All new development will be required to meet these requirements.

According to UF BEBR, using a medium population growth, the county's population is expected to grow by approximately 1,000 persons in 25 years (40 persons or 7 dwelling units per year). Using UF BEBR's High projections, the county's population is expected to grow by approximately 6,500 persons in 25 years (260 persons or 102 dwelling units per year). Given the amount of growth and development in the county, the High projection at this point in 2025, is a more reasonable projection. This slower rate of growth provides the County with decades to meet adopted level of service standards. Based on the above, it is concluded the amendment can be found **consistent** with this objective, supporting policies, and the Supportive Data and Analysis Report.

**Objective 3.1: Fort Ogden Community:** Vision Statement. The County recognizes the Fort Ogden Community (as designated in the Interim 2040 Existing Community Overlay Map FLUEMS-7 and shall preserve the character of this community as a Rural Settlement.

*Consistency analysis: The proposed text amendment does not impact Fort Ogden. Based on the above, it is concluded that the amendment can be found **consistent** with this objective.*

**Objective 3.2: Nocatee Community: Vision Statement.** The County recognizes the Nocatee Community (as designated in the Interim 2040 Existing Community Overlay Map FLUEMS-7 and shall preserve the character of this community as a contemporary, mixed use community.

*Consistency analysis: The proposed text amendment increases the maximum bonus density for designated Workforce and Affordable housing developments within the Neighborhood Mixed Use Future Land Use Category, which includes the Nocatee community. Nocatee Elementary School is located within the Nocatee Community.*

*Like all development, any application, whether low density or higher density, is analyzed by staff to determine if the project meets the standards of the Comprehensive Plan and LDRs. All projects are brought before the Board of County Commissioners in a public hearing to determine if the project is also compatible with the area.*

*Any proposed development within the Nocatee community will be required to be consistent with the Neighborhood Mixed Use designation, this objective and its supporting policies addressing planning principles, design standards, and protection of adjacent rural areas. Any development proposed will be required to*

*be consistent with the character of the area. Based on the above, it is concluded that the amendment can be found **consistent** with this objective.*

**Objective 3.3: Arcadia Urban Expansion Area: Vision Statement.** The County recognizes the Arcadia Urban Expansion Area (as designated in the Interim 2040 Existing Community Areas Overlay Map FLUEMS-7) and shall guide the development of these lands into compact, mixed-use, pedestrian friendly neighborhoods connected by areas of permanent open space. The form of new development within the expansion area is intended to extend the historic development patterns of the existing “central city” and to reinforce the vision of Arcadia as a City and not as a central city surrounded by suburban sprawl development.

*Consistency analysis: The proposed text amendment increases the maximum bonus density for Workforce and Affordable Housing developments within the Urban Center Mixed Use and Neighborhood Mixed Use Future Land Use Categories, which includes the Arcadia Urban Expansion Area. As a comparison of the existing maximum base, bonus, and proposed increase in density for affordable projects, the City of Arcadia has the following land use categories and maximum densities/intensities that are adjacent to this area which in some cases are higher:*

- *Low Density Residential – 6 du/ac max*
- *Medium Density Residential – 14 du/ac max*
- *High Density Residential – 30 du/ac max*
- *Mixed Use Business – 14 du/ac max*
- *Business – 3.0 FAR max*
- *Public Building and Grounds – 3.0 FAR Max*

*According to Map FLUEMS-7 (see Exhibit C), the areas (north and east) adjacent to the City are designated Urban Center Mixed Use which has a base maximum density of 5 du/ac and a bonus density maximum of 8 (12 du/ac proposed for affordable housing).*

*The area along the south side of the City's golf course to NE Roan Street is designated by the City as Rec and Open Space (golf course), Industrial, Business, and Medium Density Residential, with appropriate buffering by new development in the county, and could be generally compatible with adjacent development (subject to County staff review of specific development applications).*

*Like all development, any application, whether low density or higher density, is analyzed by staff to determine if the project meets the standards of the Comprehensive Plan and LDRs. All projects are brought before the Board of County Commissioners in a public hearing to determine if the project is also compatible with the area.*

*Any proposed development within the Arcadia Urban Expansion Area will be required to be consistent with the designations, objectives and supporting policies addressing the area's philosophy, guiding principles, standards for review, design, TND principles, and street network. Based on the above, it is concluded that the amendment can be found **consistent** with this objective.*

#### Supportive Data and Analysis Report

Exhibit D is the Supportive Data and Analysis Report, which analyzes the impact of the proposed amendment on the County's infrastructure and services. The report analyzes the proposed increase in density for this existing land use category versus growth projections, infrastructure, and services provided by the County.

This report analyzes the existing base, bonus, and proposed maximum densities allowed by the amendments. However, it's important to also consider that the build-out of an area is usually substantially lower than the maximum density allowed in the future land use category. The existing FLUM has few locations that achieve maximum buildout / density (maximum dwelling units per acre).

The areas that are close to the maximum are usually those on existing smaller lots or with low density residential type subdivisions (tract home builders) where 2 or 3 du/ac is the typical maximum. When a development would utilize the denser 9-12 du/ac max for affordable housing, it typically occurs as one development of approximately 200 – 250 multi-family dwelling units with designated affordable units, associated parking, open space, and an amenity center near employment or service opportunities. The amendment caters to a limited number of builders and developers as well that would utilize it.

The report analyzed the eligible areas and created a more realistic build-out and growth projections for the subject areas and analyzed those impacts. It needs to be recognized that DeSoto County (or likely any country) does not have the current capacity in their infrastructure and services for their *existing and adopted* Future Land Use Map at buildout with maximum density. That was not the intent of the FLUM when established by the 1985 Growth Management Act to have all infrastructure and services existing for the current FLUM but was put in place as a 20-year plan along with the concurrency requirements to ensure development grew consistent with the County's adopted level-of-services standards for its infrastructure and services. The concurrency management policies of the Comprehensive Plan and LDRs ensure that all proposed development addresses these issues and requirements with each land development application. The County also makes capacity-adding improvements as required with its annually updated Capital Improvement Plan (CIP). Given all these factors, the supportive report concludes that there are no issues from a future capacity perspective not to support the amendment.

#### **IV. PUBLIC NOTICE**

Section 163.3184(11)(b), Florida Statutes, establishes the public hearing requirements for local Comprehensive Plan amendments. It provides the local governing body shall hold at least two advertised public hearings on the proposed amendment. The first public hearing is held at the transmittal stage. The public hearing must be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166. The second public hearing must be held at the adoption stage. That hearing must be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

Public notice includes advertising the amendment in a newspaper of general circulation in DeSoto County at least 10 days prior to each public hearing for the text amendment. The County has provided evidence that the amendment was noticed at least 10 days before the Planning Commission public hearing. Such notice is filed with the Division and incorporated herein by reference.

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

- October 07, 2025 and March 3, 2026 – Legislative public hearing by the Planning Commission sitting as the Local Planning Agency
- March 24, 2026– Legislative public hearing with the Board of County Commissioners to consider transmittal of amendment to State.
- To Be Determined - Legislative public hearing with the Board of County Commissioners to consider adoption of the amendment.

#### Required Notifications

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

#### **V. ATTACHMENTS**

- Exhibit A: Expedited State Review Flow Chart
- Exhibit B: Map FLUEMS-7, Existing Community Overlay Map
- Exhibit C: Proposed Resolution
- Exhibit D: Supportive Data and Analysis Report

## VI. FINDINGS AND CONCLUSIONS

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

1. An application to amend the Comprehensive Plan's Interim 2040 Future Land Use Element by changing the base and bonus residential density maximums in the Neighborhood Mixed Use and Urban Center Mixed Use designation was filed with the Development Department. The Development Department has reviewed the application and determined the application is complete.
2. The Planning Director has reviewed the text amendment application for consistency with Section 163.3184(3), Florida Statutes, and concludes the application can be found to be **consistent** with those requirements.
3. The Planning Director has reviewed the proposed amendment against the Comprehensive Plan's goals, objectives and policies and concludes it can be found to be **consistent**.
4. The due public notice requirements have been satisfied.

## VII. ALTERNATIVE ACTIONS

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

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

## VIII. RECOMMENDED ACTION

- A. Planning Commission recommendation. Heard at the October 7, 2025 and March 3, 2026. Planning Commission had many comments and suggestions at the October 7, 2025 meeting, therefore staff revised proposal.
- B. Attachments Board of Community Commission action. The first reading is scheduled for March 24, 2026 meeting for transmittal.

Exhibit A – Expedited State Review Flow Chart

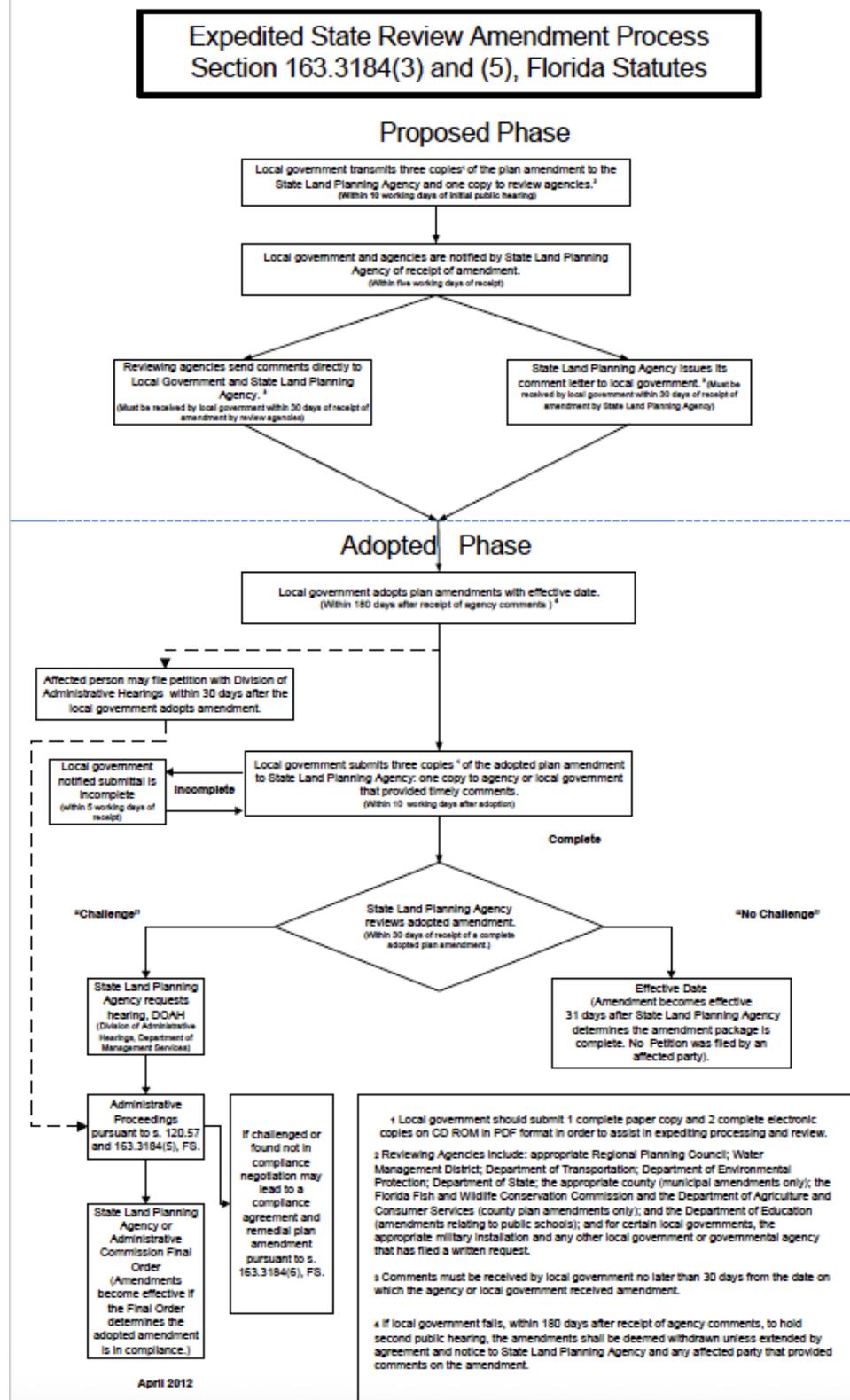


Exhibit B: Proposed Resolution

Exhi

**MAP FLUEMS-7  
DESOTO COUNTY  
INTERIM 2040  
EXISTING  
COMMUNITY  
OVERLAY MAP**



- Legend**
- Roads
  - Urban Center Mixed Use
  - Neighborhood Mixed Use



DeSoto County Florida  
Board of County Commissioners  
201 E. Oak Street  
Arcadia, FL 32006  
(904) 893-4426

Disclaimer:  
This map is a representation of described public  
information for the stated purpose. DeSoto County  
assumes no liability for the use of this map. An error may occur in  
the use of this map.

Revised: 05/2023  
DeSoto County, FL

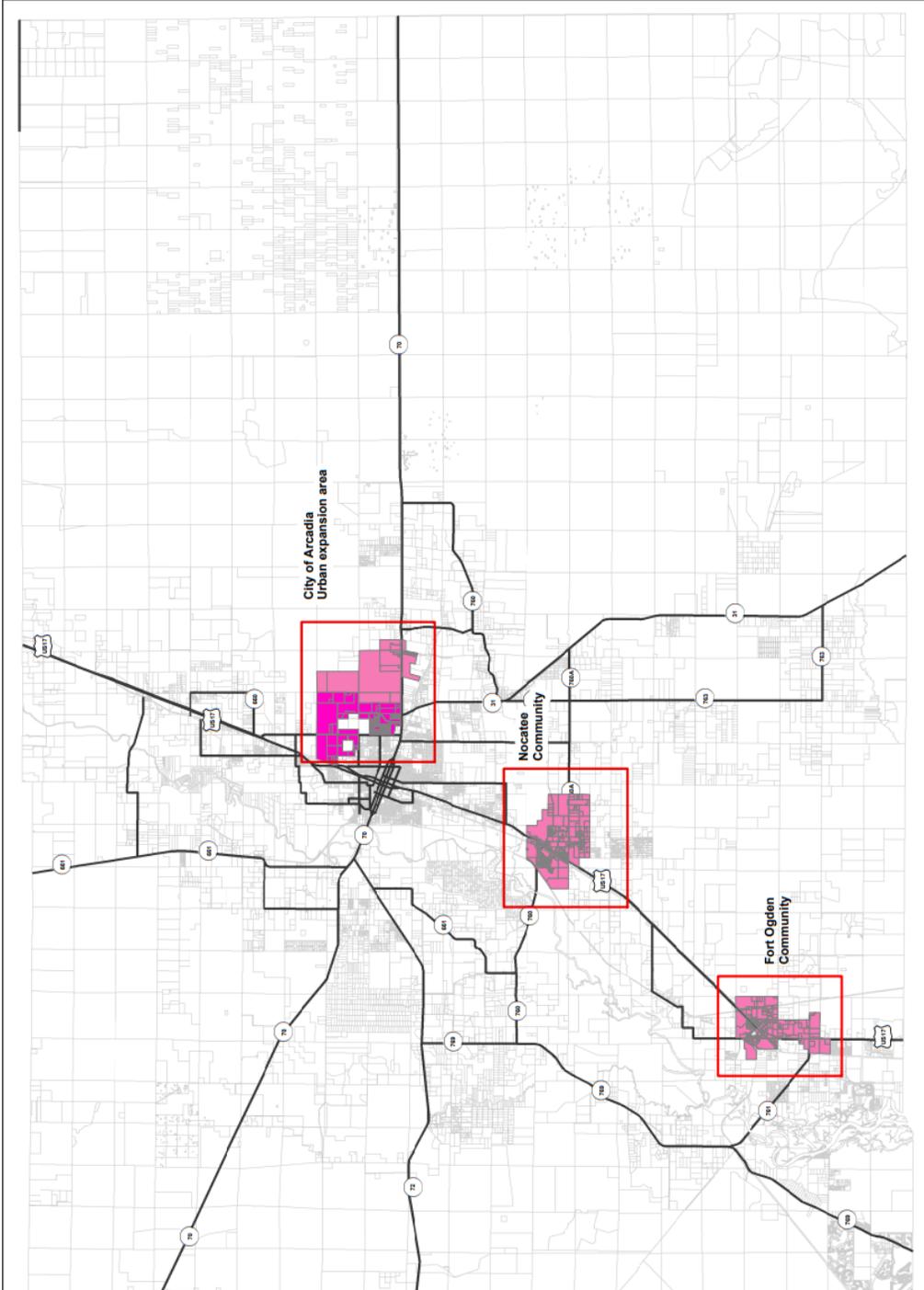


Exhibit D: Supportive Data and Analysis Report

**DESOTO COUNTY, FLORIDA  
RESOLUTION 2026- \_\_\_\_**

**A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING FOR TRANSMITTAL TO ALL REQUIRED ENTITIES A COMPREHENSIVE PLAN TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT TO AMEND OBJECTIVE 1.1 “LAND USE CATEGORIES ESTABLISHED,” RELATED TO DENSITY AND INTENSITY BONUS CRITERIA; AMENDING OBJECTIVE 1.6 “NEIGHBORHOOD MIXED USE CATEGORY DEFINED” AND OBJECTIVE 1.9 “URBAN CENTER LAND USE CATEGORY DEFINED” TO ALLOW FOR INCREASED BONUS DENSITY MAXIMUMS FOR THE LIMITED PURPOSE OF AFFORDABLE AND/OR WORKFORCE HOUSING; CLARIFYING LANGUAGE FOR CONSISTENCY; PROVIDING FOR DEFINITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 125, Florida Statutes, empowers the Board of County Commissioners (hereinafter referred to as the “Board”) to prepare and enforce comprehensive plans for the development of DeSoto County (the “County”); and

**WHEREAS**, the County’s Development Department initiated this Comprehensive Plan Text Amendment (COMP-0015-2025) to amend the Future Land Use Element, including Objective 1.1 (Land Use Categories Established), Objective 1.6 (Neighborhood Mixed Use Category Defined), and Objective 1.9 (Urban Center Mixed Use Category Defined), in order to clarify density and intensity bonus criteria and to authorize increased bonus density maximums for designated Workforce Housing and Affordable Housing developments within limited future land use categories; and

**WHEREAS**, the proposed amendment related to Workforce Housing and Affordable Housing density bonus is limited to the Neighborhood Mixed Use and Urban Center Mixed Use Future Land Use Map categories, which are generally located in proximity to existing or planned public infrastructure, central water and sewer service, paved roadways, schools, employment centers, and other community services; and

**WHEREAS**, the Board finds that concentrating higher residential densities in areas served by infrastructure and services promotes efficient use of public facilities, reduces sprawl, supports concurrency management, and advances the County’s stated goal of directing the most intensive growth into the urban center and surrounding areas while protecting rural and agricultural lands; and

**WHEREAS**, the Board finds that allowing increased bonus densities for designated Workforce Housing and Affordable Housing developments within the Neighborhood Mixed Use and Urban Center Mixed Use categories may encourage the development of attainable housing in locations that are more efficient to serve and more accessible to employment, schools, and services; and

**WHEREAS**, the proposed amendment does not alter the base densities of the subject land use categories, does not mandate approval of any specific development, and does not eliminate the requirement that all development comply with concurrency management, level-of-service standards, compatibility requirements, and all applicable provisions of the Comprehensive Plan and Land Development Regulations; and

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the Board is required to transmit to the reviewing agencies and any other local government or governmental agency that has filed a written request with the governing body the proposed Comprehensive Plan amendments; and

**WHEREAS**, public transmittal hearings on the Comprehensive Plan amendment were held by the DeSoto County Planning Commission, acting as the Local Planning Agency, on March 3, 2026, and by the Board on March 24, 2026, pursuant to Sections 163.3184 (3) and (5), F. S.; and

**WHEREAS**, the Board of County Commissioners directs the Development Director to transmit Comprehensive Plan amendment to all required entities and designates the Development Director as the contact person; and

**WHEREAS**, upon the receipt of DeSoto County Comprehensive Plan amendment by the Florida Department of Commerce (FDC), the FDC must review the amendment and issue to DeSoto County an Objections, Recommendations and Comments (ORC) Report on the amendment; and

**WHEREAS**, upon receipt of FDC's ORC Report, DeSoto County has 180 days to adopt, adopt with changes, or not adopt the Comprehensive Plan amendment.

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

**SECTION 1.** The Board of County Commissioners hereby directs the Development Director to transmit said Comprehensive Plan amendment to all required reviewing entities by Section 163.3184, Florida Statutes, the proposed amendments to the DeSoto County Comprehensive Plan text, revising Policies 1.1.2, 1.1.3, 1.1.4, 1.6.9, and 1.9.3; creating new policies 1.6.13, 1.6.14, 1.9.9, 1.9.10, and 1.9.11, and providing for newly defined terms, as more particularly set forth in Exhibit A to this Resolution, and designates the Development Director as the contact person for said amendment package.

**SECTION 2.** The proposed amendment to the DeSoto County Comprehensive Plan is attached as Exhibit A to this Resolution.

**PASSED AND DULY ADOPTED** in 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

# EXHIBIT A

## DESOTO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT GOALS, OBJECTIVES AND POLICIES

### Excerpt

#### Objective 1.1: Land Use Categories Established

\*\*\*

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

Land Use Categories	Base Density/Intensity	Bonus <u>Density/Intensity</u> * (Policy 1.1.3)
Rural/Agriculture	Residential – Up to 1 du/10 acres Non-residential – Up to 0.4 FAR maximum	<b>No bonus</b>
Low-Density Residential	Residential – Up to 2 du/acre Non-residential – Up to 0.4 FAR	3.5 du/ac maximum* 1.0 FAR maximum
Medium-Density Residential	Residential – Up to 3.5 du/acre	5 du/ac maximum *

Neighborhood (Live/Work) Mixed Use	Residential – Up to 3.5 du/acre Non-residential – Up to 0.4 FAR	5 du/ac maximum* <u>8 du/ac maximum for workforce housing*</u> <u>12 du/ac maximum for affordable</u>  0.6 FAR maximums
Employment Center	Non-residential – Up to 0.5 FAR	Non-residential – Up to 0.7 FAR 0.7 FAR maximum*
Urban Central Mixed Use	Residential – Up to 5 du/acre Non-residential – Up to 0.6 FAR	8 du/acre maximum 10 du/acre maximum for workforce

		housing* 12 du/acre maximum for affordable housing* 2.0 FAR maximum
Commercial	Non-residential- Up to 0.25 FAR	Non-residential – Up to 0.35 FAR maximum*
Public Land and Institutions	Publicly and semi-publicly owned lands that are effectively controlled from developing into a typical residential density or private non-residential land use not involved in service to the public. Examples include park, correctional facilities, sewer plants, etc.	
Electrical Generating Facility	This land use category is intended for electrical power generating facilities, which includes electric power plants and related facilities. This public service use includes directly related facilities for the production of electricity.	
Preservation	Dedicated by plat, site plan, easement or similar designation; permanently protected environmentally sensitive lands that may only be utilized for limited passive recreation.	
Overlays	<b>Conservation:</b> Limited development subject to environmental analysis and protection of natural resources. Reverts to underlying future land use category if not in conservation area.	
	<b>Generalized Phosphate Mining:</b> Areas identified as having the highest potential for phosphate mining based on soil types and recognized mineral deposits.	
	<b>Existing Community Overlays (see Map FLUEMS-7):</b> Areas identified as Fort Ogden, Nocatee, and the City of Arcadia Urban Expansion Area (Map FLUEMS-7).	
Master Planned Area	Identified and planned larger projects that must be developed as a whole. They are identified to ensure overall community/county integration and vision is achieved, versus isolated islands of development.	

Note: This is a summary table, please check associated policies for specific regulations as some land use categories have additional requirements or limitations.

\*Subject to Policy 1.1.4.

**Policy 1.1.3: Density Unit and Intensity Bonus Limits.** The Land Development Regulations shall require that Planned Developments developments seeking bonus density and/or intensity meet the and include performance criteria for density and intensity bonuses within the various future land use categories, up to the following levels:

- (1) Low-Density Residential Use - Up to 3.5 dwelling units per acre and up to a 1.0 FAR.
- (2) Medium-Density Residential Use - Up to 5 dwelling units per acre
- (3) Neighborhood Mixed Use – Up to 5 dwelling units per acre for market rate residential

units and up to 8 du/ac for Workforce Housing and up to 12 du/ac for Affordable Housing (per Policy 1.1.4) and up to 0.6 FAR

- (4) Employment Center- up to 1.2 FAR
- (5) Urban Center Mixed Use – Up to 8 dwelling units per acre for market rate residential units and up to 10 du/ac for Workforce Housing and up to 12 du/ac for Affordable Housing (per Policy 1.1.4); up to 1.6 FAR

**Policy 1.1.4** : Density and Intensity Bonus Criteria. ~~A bonus point schedule shall be established within the Land Development Regulations. The Land Development Regulations shall provide criteria for the award of bonus density and intensity which schedule shall give consideration to the performance criteria listed below as a minimum:~~

- ~~(1) Provisions and overall design of the project, proximity to public infrastructure (water, sewer, urban roads), employment, affordable housing, and services.~~
- ~~(2) Proximity to public safety (Fire/EMS)~~
- ~~(3) Proximity to schools~~
- ~~(4) Use of clustering and protection of environmentally sensitive areas~~
- ~~(5) Increased urban design and landscaping~~
- ~~(6) Increased public recreation and open space~~
- ~~(7) Affordable Housing~~
- ~~(8) Mixed use developments and mixed use buildings~~
- ~~(9) Adjacent to lands developed with similar densities~~
- ~~(10) Connectivity between developments~~
- ~~(11) Donation of usable public land~~
- ~~(12) Use of multiple performance criteria to achieve higher densities Transfer of Development Rights (TDR's)~~

\*\*\*

**Objective 1.6: Neighborhood Mixed Use Category Defined.**

\*\*\*

**Policy 1.6.9:** Each village shall have a village center. The village center shall be designed as a shopping center to include uses such as grocery anchor, restaurants, office and general retail. Vertical mixed-use buildings are encouraged. ~~Bonus points for intensity shall be determined within the Land Development Regulations.~~

\*\*\*

**Policy 1.6.13:** The maximum base density allowed for residential projects within the Neighborhood Mixed Use category is 3.5 dwelling units per acre. The maximum bonus density that may be allowed for residential projects is up to 5 dwelling units per acre if the bonus density criteria in the LDRs are met.

\*\*\*

**Policy 1.6.14:** Workforce Housing developments may have a maximum bonus density of 8 du/ac and Affordable Housing developments may have a maximum bonus density of 12 du/ac if bonus density criteria are met in Policy 1.1.4 and consistent with the criteria in the LDRs.

\*\*\*

**Objective 1.9: Urban Center Land Use Category Defined.**

\*\*\*

**Policy 1.9.3:** A mixture of uses shall be provided within the Urban Center Mixed Use category. The mix shall be regulated by each Special Community as depicted in **Maps FLUEMS-7** and **FLUEMS-8** that include the Urban Center Mixed Use future land use designation as follows:

**Arcadia Urban Expansion Area:**

General Use	Density/ Intensity	Minimum	Maximum
Non-Residential Uses	0.6 FAR	30%	50%
Residential Uses	<u>8 du/ac</u> <u>Per Future Land Use Map</u> <u>Category</u>	20%	50%
Light Industrial	0.6 FAR	0%	20%

\*\*\*

**Policy 1.9.9:** The maximum base density allowed for residential projects within the Urban Center Mixed Use category is 5 dwelling units per acre. The maximum bonus density that may be allowed for residential projects is up to 8 dwelling units per acre if bonus density criteria in the LDRs are met.

**Policy 1.9.10:** Workforce Housing developments may have a maximum bonus density of 8 du/ac and Affordable Housing developments may have a maximum bonus density of 12 du/ac if bonus density criteria are met in Policy 1.1.4 and consistent with the criteria in the LDRs.

**Policy 1.9.11:** Non-residential projects within the Urban Center Mixed Use land use shall be limited to a maximum floor area ratio not to exceed 0.6 but may apply for bonus intensity of up to 2.0 FAR if the development meets the criteria in Policy 1.1.4 and the LDRs

\*\*\*

**DEFINITIONS**

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.

\*\*\*

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.

\*\*\*



# DeSoto County

3/3/2026

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Item #: 5.

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

**DEPARTMENT:** Planning & Zoning  
**SUBMITTED BY:** Laura McClelland  
**PRESENTED BY:** John Osborne

**TITLE & DESCRIPTION:**

**Ordinance / Land Development Regulation Amendment updating the criteria for the award for bonus density (LDR-0013-2026)**

**REQUESTED MOTION:**

**A motion to enter into the record this development review report and make a recommendation to the Board of County Commissioners to adopt/deny the proposed ordinance.**

**SUMMARY:**

**A Comprehensive Plan text amendment to the Future Land Use Element is simultaneously tracking with an LDR amendment to allow for consideration of increased densities through a bonus density process for Affordable and Workforce Housing developments. The staff report for the Comprehensive Plan amendment that is being processed simultaneously includes an overview of housing affordability issues and analyzes the recommended changes to facilitate affordable and workforce housing in limited portions of unincorporated DeSoto County. The LDR amendment is subject to approval of the Comprehensive Plan amendment and the LDR amendment analysis is written assuming it has been approved. Should the Comprehensive Plan amendment be denied, the LDR amendment cannot move forward.**

**BACKGROUND:**

**Per the Comprehensive Plan, providing opportunities for additional residential density limited to specific areas of the county can be helpful in realizing more affordable and workforce housing for the county and its employers. The Comprehensive Plan directs the application of bonus density criteria to the LDRs. The proposed language is detailed herein and generally includes the following:**

- Consistent with existing Bonus Density criteria in Comprehensive Plan Policy 1.1.4; and**
- Within Urban Center Mixed Use or Neighborhood Mixed Use Future Land Use category; and**

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**ITEM #: 5.**

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- **Affordable and Workforce residential projects shall be substantially located within a 1,000-foot radius of a public school or major employer; and**
- **Establishes minimum percentages for workforce and affordable housing units to achieve bonuses; and**
- **Requires connection to County or City potable water and sanitary sewer; and**
- **Requires a Land Use Restriction Agreement guaranteeing affordable / workforce designation for a minimum of 30 years is approved by the Board of County Commissioners.**



## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

**CASE NO.:** LDR-0013-2026

**REQUEST:** County-Initiated Amendment to the Land Development Regulations (LDR) to implement a bonus density for Affordable and Workforce housing projects.

**PROPERTY OWNER:** DeSoto County Government

**PROPERTY ID:** NA

**PROPERTY ADDRESS:** NA

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### DEVELOPMENT REVIEW REPORT

A Comprehensive Plan text amendment to the Future Land Use Element is simultaneously tracking with an LDR amendment to allow for consideration of increased densities through a bonus density process for Affordable and Workforce Housing developments. The staff report for the Comprehensive Plan amendment that is being processed simultaneously includes an overview of housing affordability issues and analyzes the recommended changes to facilitate affordable and workforce housing in limited portions of unincorporated DeSoto County. The LDR amendment is subject to approval of the Comprehensive Plan amendment and the LDR amendment analysis is written assuming it has been approved. Should the Comprehensive Plan amendment be denied, the LDR amendment cannot move forward.

### OVERVIEW

Per the Comprehensive Plan, providing opportunities for additional residential density limited to specific areas of the county can be helpful in realizing more affordable and workforce housing for the county and its employers. The Comprehensive Plan directs the application of bonus density criteria to the LDRs. The proposed language is detailed herein and generally includes the following:

- Consistent with existing Bonus Density criteria in Comprehensive Plan Policy 1.1.4; and
- Within Urban Center Mixed Use or Neighborhood Mixed Use Future Land Use category; and
- Affordable and Workforce residential projects shall be substantially located within a 1,000-foot radius of a public school or major employer; and

- Establishes minimum percentages for workforce and affordable housing units to achieve bonuses; and
- Requires connection to County or City potable water and sanitary sewer; and
- Requires a Land Use Restriction Agreement guaranteeing affordable / workforce designation for a minimum of 30 years is approved by the Board of County Commissioners.

## I. DATA AND ANALYSIS

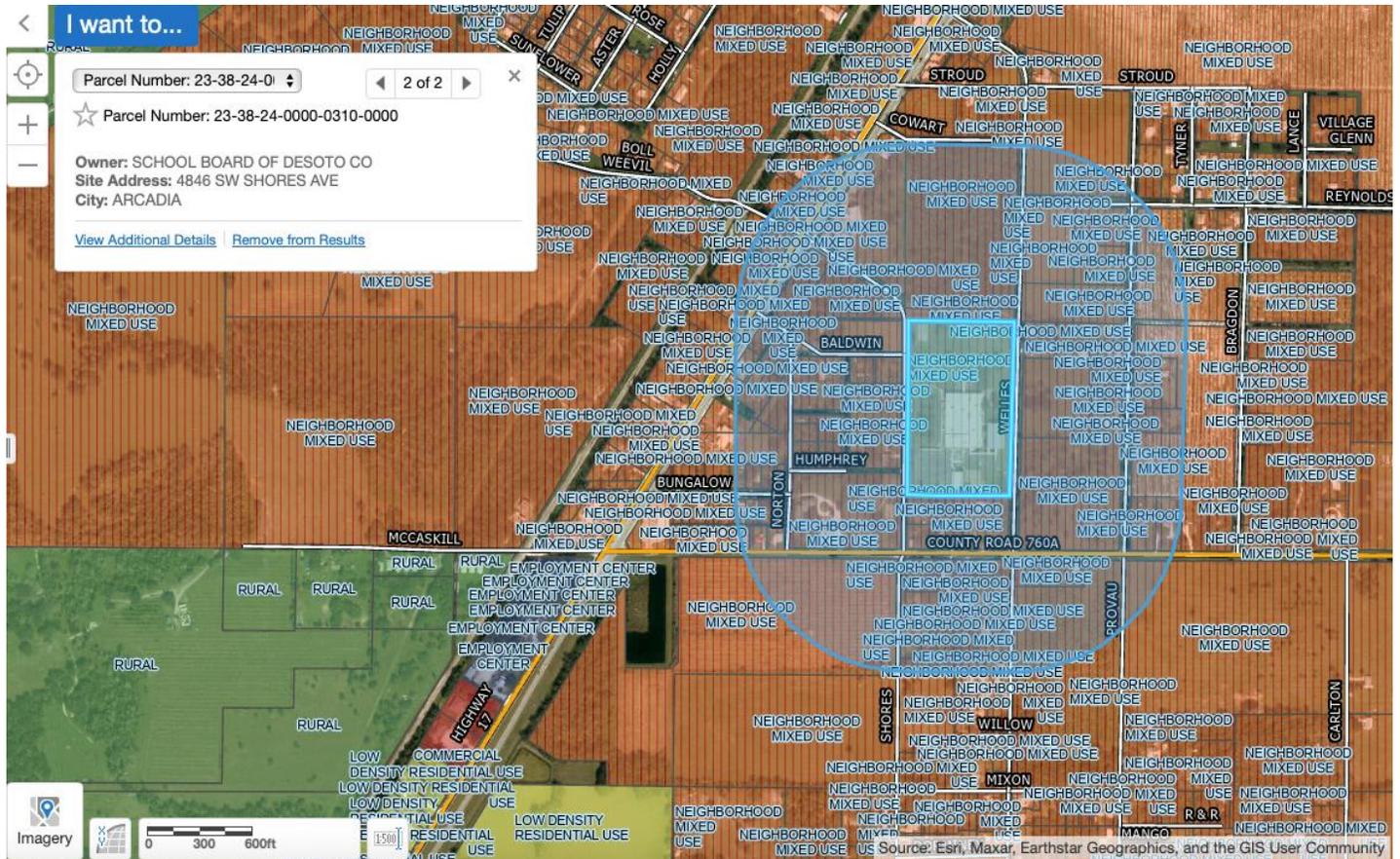
To further refine the areas where it may be appropriate for higher densities for affordable housing, it is critical future affordable development is within proximity to major employers and public schools. The following provides some guidance on incorporating this incentive.

### *Areas in Proximity of Public Schools*

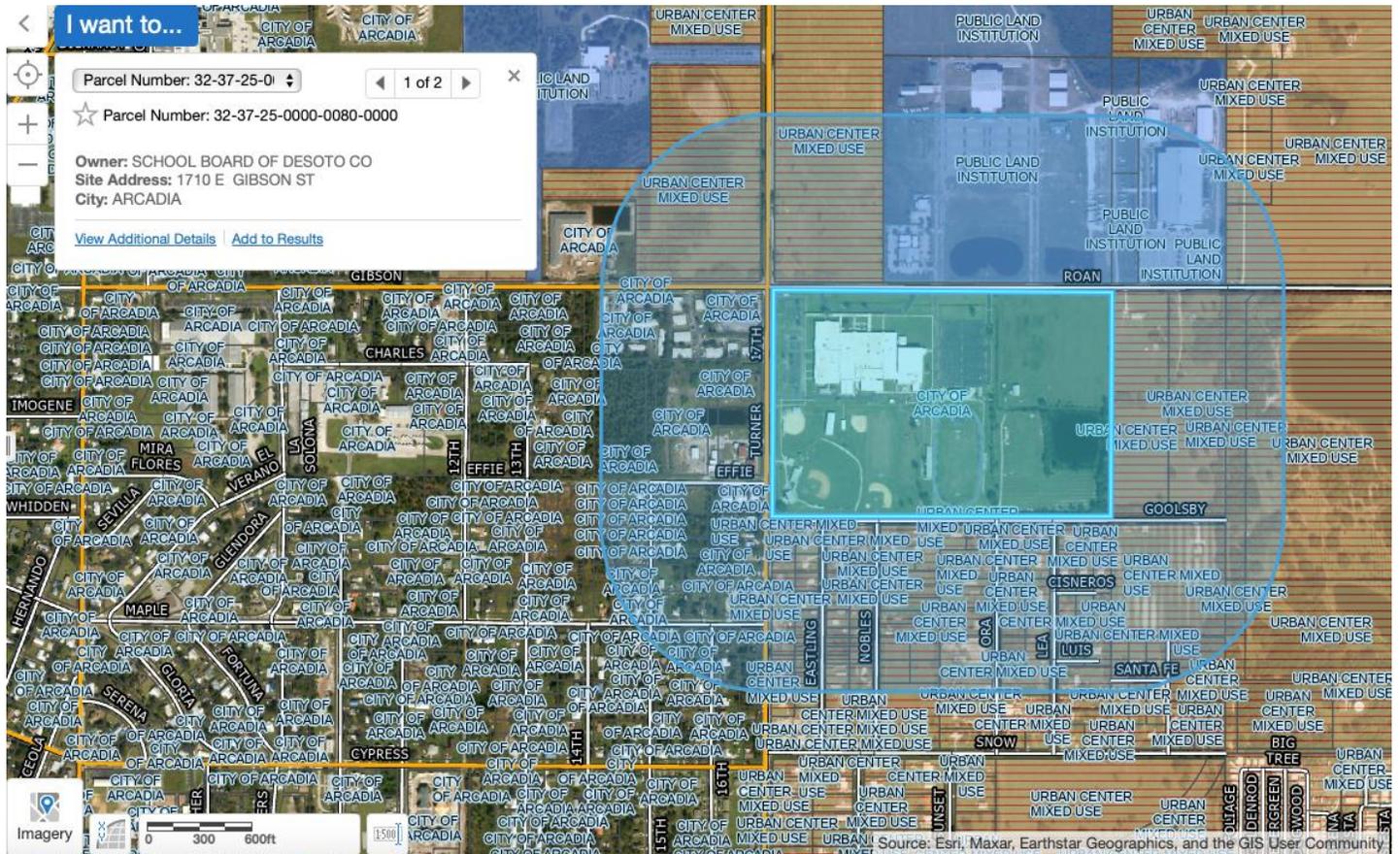
DeSoto County public schools are located mostly in the City of Arcadia. However, Nocatee Elementary is in unincorporated county. The existing DeSoto High School is within the city but is surrounded by unincorporated areas. Please see the following table listing the public schools, location, jurisdiction, proximity to DART transit, and the amount of nearby property that would be eligible for the development of affordable or workforce housing using the previously mentioned criteria.

School Name	Address	Jurisdiction	DART (w/in 1/4 mile)	Eligible Adjacent / 1,000 ft of Property	Number of Eligible Parcels (or portions thereof)	Acres of Eligible Area	Max DU's at 12 du/ac
DeSoto County High School	1710 E Gibson St	City	No	Yes	99	116	1,392
DeSoto Middle School	420 E Gibson St	City		No		0	0
Memorial Elementary School	851 E Hickory St	City		No		0	0
Nocatee Elementary School	4846 SW Shores Ave	County	No	Yes	95	147	1,764
West Elementary School	304 W Imogene St	City		No		0	0
DeSoto Secondary School	318 N Wilson Ave	City		No		0	0
Family Service Center	310 W Whidden St	City		No		0	0

Desoto County High School and Nocatee Elementary School both meet the criteria. Between the two, they have a total of 194 parcels (or portions thereof) and 263 acres of those parcels qualify for the affordable housing density bonus. The following graphic illustrates 1,000 feet from Nocatee Elementary School, all properties within the area would be eligible for the affordable bonus density.



The following graphic illustrates 1,000 feet from DeSoto High School, all properties within the Urban Center Mixed Use Future Land Use Map designation would be eligible for the affordable bonus density.



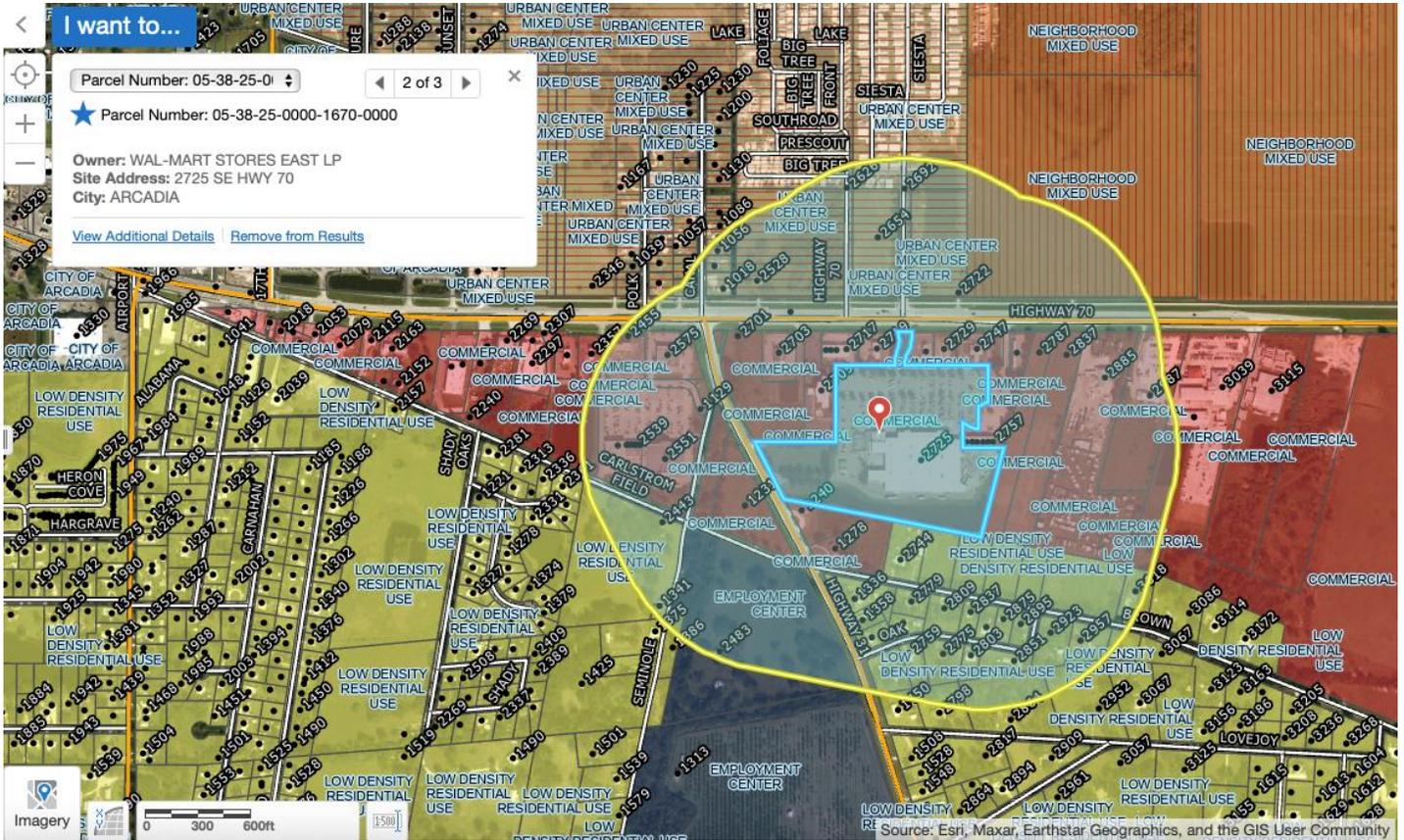
**Areas in Proximity of Major Employers**

Major employers (with 50 or more employees) are located throughout the County. Please see the following table listing the major employers, location, number of persons employed, jurisdiction, proximity to DART transit, and whether if the adjacent property is in unincorporated county with Urban Center Mixed Use or Neighborhood Mixed Use Future Land Use designations, which would allow an opportunity for density bonus if affordable housing was developed adjacent/within 1,000 feet of their site. The table identifies those eligible properties, the acres of eligible area, and the maximum number of affordable or workforce dwelling units up to the 12 du/ac maximum that could be constructed:

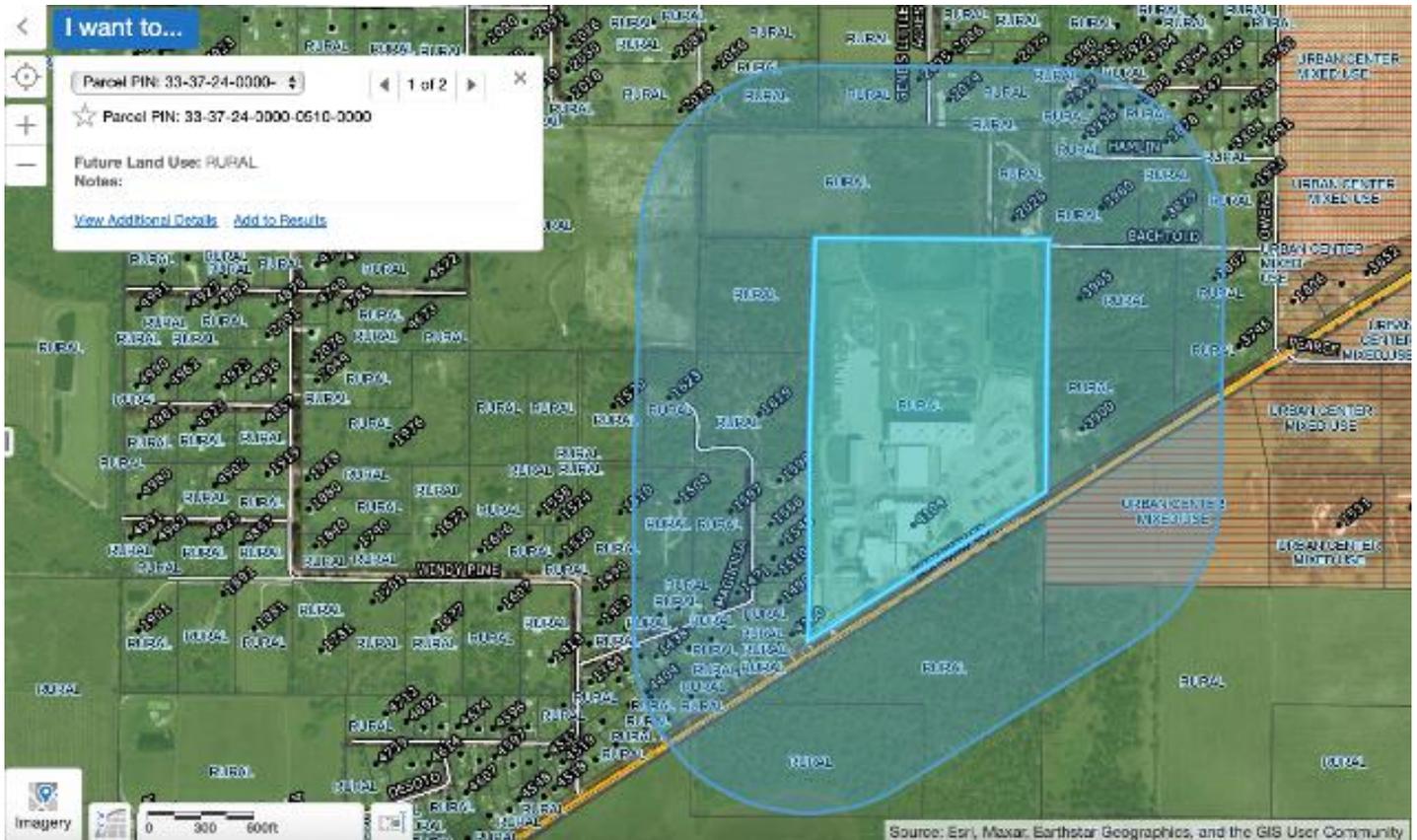
Business	Address	Employment	Jurisdiction	Notes	DART (w/in 1/4 mile)	FLUC	Eligible Adjacent / 1,000 ft of Property	Number of Eligible Parcels (or portions thereof)	Acres of Eligible Area
WALMART DISTRIBUTION CENTER	6785 SW Enterprize Blvd	1,263	County			Employment Center	No		0
DEPT OF CORRECTIONS	13617 SE Highway 70	346	County			Public Lands and Institutional	No		0
<b>WALMART RETAIL</b>	<b>2725 SE Hwy 70</b>	<b>300</b>	<b>County</b>		<b>Yes</b>	<b>Commercial</b>	<b>Yes</b>	<b>13</b>	<b>27.5</b>
WELL PATH RECOVERY SOLUTIONS	13619 SE Highway 70	261	County			Public Lands and Institutional	No		0
PALOMA HARVESTING	5951 SW Carlton Ave	207	County	Not on site		Rural Ag	No		0
SWIFT TRANSPORTATION CO	6605 SW Enterprize Blvd	165	County	Same site as Walmart Dist. Ctr.		Employment Center	No		0
<b>PEACE RIVER CITRUS PRODUCTS</b>	<b>4104 NW Highway 72</b>	<b>136</b>	<b>County</b>		<b>No</b>	<b>Rural Ag</b>	<b>Yes</b>	<b>1</b>	<b>7.4</b>
<b>PUBLIX</b>	<b>2551 SE Highway 70</b>	<b>125</b>	<b>County</b>		<b>Yes</b>	<b>Commercial</b>	<b>Yes</b>	<b>35</b>	<b>12.1</b>
SANDHILL NATIVE GROWERS	5980 SE County Road 760	100	County			Rural Ag	No		0
BETHEL FARMS	8780 NW Bethel Farms Rd	97	County			Rural Ag	No		0
COLLINS AEROSPACE SYSTEMS	11700 SW Winslow Dr	69	County			Commercial	No		0
CROWN ROOF TIES CO, INC	6018 SW Hwy 72	63	County			Rural Ag	No		0
<b>SUNBULB COMPANY / BETTER-GRO</b>	<b>1615 SW Hwy 17</b>	<b>54</b>	<b>County</b>	<b>R&amp;T Land</b>	<b>No</b>	<b>Employment Center</b>	<b>Yes</b>	<b>40</b>	<b>26.3</b>
DESOTO COUNTY SCHOOL DISTRICT	530 La Solona Ave	684	City	Includes all schools		City	No		0
<b>DESOTO MEMORIAL HOSPITAL</b>	<b>900 N Robert Ave</b>	<b>350</b>	<b>City</b>	<b>County adjacent</b>	<b>Yes</b>	<b>City</b>	<b>Yes</b>	<b>2</b>	<b>11.8</b>
AVUM	117 W Oak St	264	City			City	No		0
DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS	201 E Oak St, Suite 201	196	City			City	No		0
DESOTO COUNTY SHERIFFS OFFICE	208 E Cypress St	116	City			City	No		0
MHM HEALTH PROFESSIONALS	425 Nursing Home Drive	102	City			City	No		0
CITY OF ARCADIA	121 W Hickory St	94	City			City	No		0

Between the five eligible major employers, Walmart (retail), Peace River Citrus Products, Publix, Sunbulb, and DeSoto Memorial Hospital have a total of 91 parcels (or portions thereof) and 85 acres of those parcels qualify for the affordable housing density bonus. The following graphics illustrate the 1,000 feet from the major employers, all properties within the area that have the Urban Center Mixed Use or Neighborhood Mixed Use Future Land Use Map designation would be eligible for the affordable bonus density.

The following graphic illustrates 1,000 feet from Walmart (retail), all properties within the Urban Center Mixed Use Future Land Use Map designation would be eligible for the affordable bonus density.



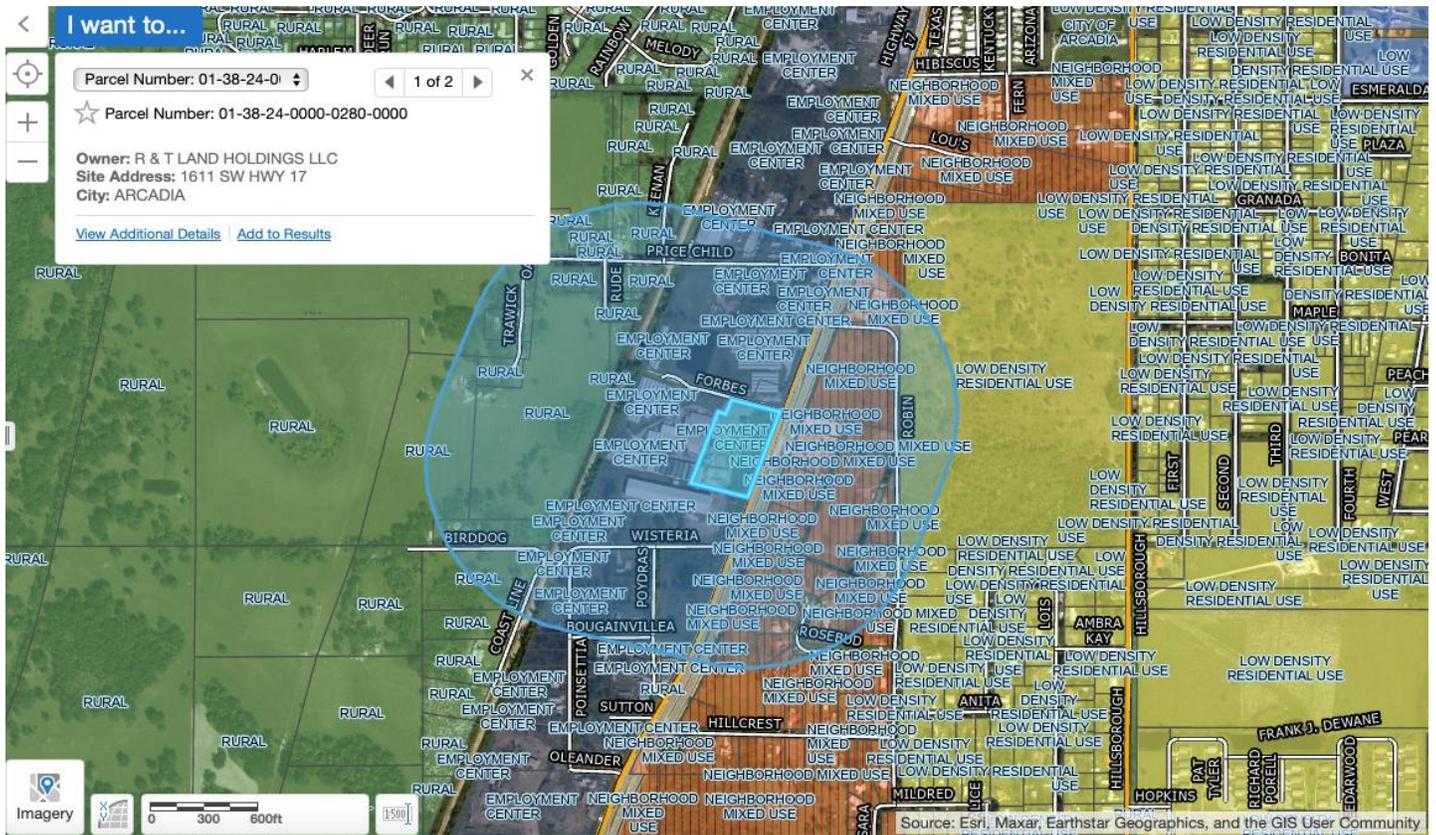
The following graphic illustrates 1,000 feet from Peace River Citrus Products, all properties within the Urban Center Mixed Use Future Land Use Map designation would be eligible for the affordable bonus density.



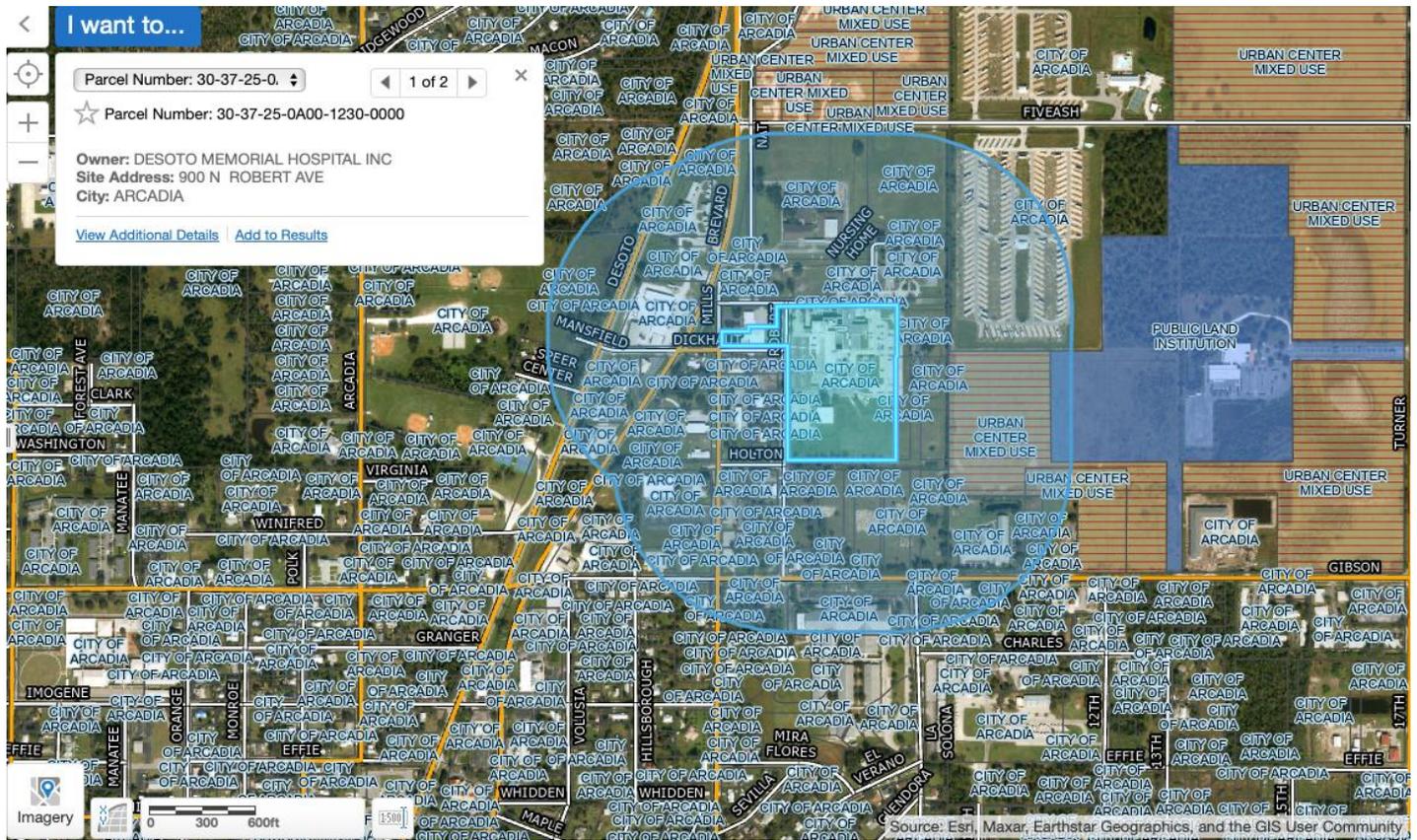
The following graphic illustrates 1,000 feet from Publix, all properties within the Urban Center Mixed Use Future Land Use Map designation would be eligible for the affordable bonus density.



The following graphic illustrates 1,000 feet from Sunbulb Company / Better-Gro, all properties within the Urban Center Mixed Use Future Land Use Map designation would be eligible for the affordable bonus density.



The following graphic illustrates 1,000 feet from DeSoto Memorial Hospital, all properties within the Urban Center Mixed Use Future Land Use Map designation would be eligible for the affordable bonus density.



Any future workforce or affordable housing development proposing to utilize a bonus density, like other projects, will be required to submit a Development Plan and analysis stating how their project meets the criteria found in the LDRs. The amount of eligible property could also be further limited by the road network. If a proposed development is located on a substandard local road instead of a thoroughfare more consistent with current engineering standards, the road may not be able to handle the additional traffic. Affordable housing developers have limited extra capacity for off-site improvements which could help to further focus on eligible areas. The applications, site plan, and analysis will be reviewed by County staff, and the Board of County Commissioners can approve or deny these projects as these developments will require a public hearing. Housing developments meeting this criteria and Board approval would also have to submit a Land Use Restriction Agreement (LURA) approved by the Board that would guarantee the housing would remain affordable for at least 30 years.

The following table illustrates the eligible areas by Future Land Use Map designation and their potential for development. The table shows maximum development scenarios for residential at the existing maximum base density, existing maximum bonus density, and the proposed maximum density for designated affordable housing developments. Some assumptions were made with this table. This includes that many of the eligible parcels are along thoroughfare roads, which also lend

themselves to non-residential development, so 50% of the acres were assumed to develop as non-residential, remain vacant, or remain with any existing use. The table also illustrates some development number based upon only 25% or 50% of the eligible properties developed with designated affordable housing.

Scenarios	Max Density (du/ac)	Max FAR	Total Eligible Acres	Max Dwelling Units	Residential Acres (est. 50%)	Non-Residential Acres (est. 50% of acres)*	Number of Units at 50% of Eligible Acres	Total Max S.F. Non-Residential	Total Dwelling Units Developed at 25% Maximum	Total Dwelling Units Developed at 50% Maximum
<b>NEIGHBORHOOD MIXED USE LAND USE CATEGORY</b>										
Existing Maximum Base Residential Units (3.5 du/ac) and FAR	3.5	0.4	183	642	92	92	321	1,596,910	80	160
Existing Maximum Bonus Density (5 du/ac) and FAR	5.0	0.4	183	917	92	92	458	1,596,910	115	229
Proposed Maximum Bonus Affordable Residential (12 du/ac) and FAR	12.0	0.4	183	2,200	92	92	1,100	1,596,910	275	550
<b>URBAN CENTER MIXED USE LAND USE CATEGORY</b>										
Existing Maximum Base Residential Units (5 du/ac) and FAR	5.0	0.6	165	824	82	82	412	2,153,606	103	206
Existing Maximum Bonus Density (8 du/ac) and FAR	8.0	0.6	165	1,318	82	82	659	2,153,606	165	330
Proposed Maximum Bonus Affordable Residential (12 du/ac) and FAR	12.0	0.6	165	1,978	82	82	989	2,153,606	247	494
<b>NOTES:</b>										
* Neighborhood MU has limitations in policies related to the min/max amount of res and non-res land uses										
** Urban Center MU has limitations in policies related to the min/max amount of res and non-res land uses										

It is important to recognize that the table shows various maximum buildout scenario that will not likely occur for many decades, if ever, using even the highest population projections from UF BEBR. Please keep in mind that most Future Land Use Map categories in the county, if examined with their existing development, are *not constructed or developed to their maximum capacity allowable* by the Future Land Use Map. This is due to market feasibility and other requirements which play into land use development decision making. These can include cost of development by developer/property owner, ability to finance, market, and addressing other requirements and improvements related to traffic, wetlands, floodplains, fire protection, utilities, etc.

The most reasonable scenario is that over the next twenty years, one or two 150 –200 dwelling unit multi-family affordable housing developments are constructed near a major employer or public school. This is generally illustrated in the previous table with dwelling units in the eligible areas at 25% or 50% of the maximum allowable.

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## II. PROPOSED LDR AMENDMENTS

The following are the proposed specific amendments to the DeSoto County LDR to implement the Comprehensive Plan text amendments for affordable and workforce housing density bonuses. Policy 1.1.4 in the Future Land Use Element has specific criteria that does not match what exists in the LDRs. In Sec. 20-1626, which establishes the criteria for the award of bonus density, Subsections (a) through (c) are proposed to be deleted and replaced with the following. The related policy in the Comprehensive Plan is proposed to be simplified and the specific details in the LDR.

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

*(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.*
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(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.

~~(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;~~

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~~(5) Water conservation.~~

As an incentive to provide affordable and workforce housing projects, staff recommends that PUD Improvement Plans shall be approved administratively, foregoing the standard Board hearing. Non-affordable PUD projects will still require their Improvement Plans to have Board approval.

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

New definitions are proposed for “major employer”, “affordable housing” and “workforce housing”

Article XII. – DEFINITIONS

Sec. 20-1650. – Definitions

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.

## **RECOMMENDED ACTIONS**

1. Motion to adopt the Land Development Regulations amendment, implementing Policy 1.1.4 of the Comprehensive Plan to encourage affordable and workforce housing in appropriate areas where services and facilities are available to accommodate additional growth.

**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:

\*\*\*

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.

\*\*\*

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



# DeSoto County

3/3/2026

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Item #: 6.

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- 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 / Land Development Regulation Amendment Family Homestead (LDR-0011-2025)**

**REQUESTED MOTION:**

**A motion to make a recommendation to the Board of County Commissioners to adopt/deny the proposed ordinance amending the Land Development Regulation reducing the minimum acreage of the parent parcel required to qualify for the family homestead exemption from 30 acres to 25 acres, and to clarify that the minimum 5-year ownership requirement for the parent parcel can be ownership by the applicant or the immediate family member.**

**SUMMARY:**

**Amending the Land Development Regulations regarding Family Homesteads to reduce the minimum acreage of the parent parcel and to clarify the minimum 5-year ownership requirement.**

**BACKGROUND:**

**On January 27, 2026, the Board adopted Ordinance 2026-001 amending the County Land Development Regulations to implement standards and requirements when subdividing land under the family homestead exemption; following the adoption of Ordinance 2026-001, the Board determined that it would be in the best interest of the County to reduce the minimum acreage of the parent parcel required to qualify for the family homestead exemption, and to clarify that the minimum 5-year ownership requirement for the parent parcel can be ownership by the applicant or the immediate family member.**

**DESOTO COUNTY, FLORIDA**

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

**AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING SECTION 20-233 “FAMILY HOMESTEAD EXEMPTION,” TO ARTICLE III “SUBDIVISION PROCEDURES” OF CHAPTER 20 OF THE COUNTY’S LAND DEVELOPMENT REGULATIONS TO REVISE THE MINIMUM ACREAGE REQUIREMENTS FOR A PARENT PARCEL; CLARIFYING AND MODIFYING OWNERSHIP AND ELIGIBILITY REQUIREMENTS, INCLUDING PROVISIONS FOR CONTINUOUS OWNERSHIP AND INTRA-FAMILY CONVEYANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3179, F.S., titled “Family Homestead,” permits local governments to include a comprehensive plan provision that allows the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan; and

**WHEREAS**, pursuant to the aforementioned statute, the DeSoto County (the “County”) Board of County Commissioners (the “Board”) adopted a new Policy 1.1.15 to its Future Land Use Element of the County’s Comprehensive Plan to provide for the “Family Homestead” provision; and

**WHEREAS**, on January 27, 2026, the Board adopted Ordinance 2026-001 amending the County Land Development Regulations to implement standards and requirements when subdividing land under the family homestead exemption; and

**WHEREAS**, following the adoption of Ordinance 2026-001, the Board determined that it would be in the best interest of the County to reduce the minimum acreage of the parent parcel required to qualify for the family homestead exemption, and to clarify that the minimum 5-year ownership requirement for the parent parcel can be ownership by the applicant or the immediate family member; and

**WHEREAS**, the Planning Commission considered the amendment to the Land Development Regulations at a meeting on March 3, 2026, and recommended adoption by a vote of \_\_\_\_\_; and

**WHEREAS**, the Board considered the recommendation of the Planning Commission and 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 a public hearing on March 24, 2026, 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 Section 20-233 of the DeSoto County Code of Ordinances.** Section 20-233 of Article III of Chapter 20, of the DeSoto County Code of Ordinances is hereby amended as follows:

20-233. Family Homestead Exemption

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(b) Application shall include the applicable fee established by the Board of County Commissioners and the following when submitted to the Development Department and be administratively reviewed.

(1) A Certified Boundary Survey (signed & sealed) and Legal Description(s) created within 1-year of application, titled as "Boundary Survey for Family Homestead Exemption", accompanied by an attorney opinion of title or a title search report, with the following information on the survey:

- a. North Arrow, Scale, Legend, Key Map, and Legal Description(s);
- b. Dimensions of the proposed parcel(s) and all property lines, and the lot area for each parcel, including permanent reference monuments (PRMs);
- c. All structures located within 50' of new lot lines (for both the proposed parcel and for contiguous lots) or a note stating that none exist;
- d. Existing onsite driveways, well/septic, and public utilities (for both the proposed parcel and within 300 feet for contiguous lots), or a note stating that none exist. An ingress/egress easement shall be provided for the driveway if it will be used to provide access to the Family Homestead Lots.
- e. Existing easements, platted and maintained rights-of-way within and contiguous to proposed lot(s) or a note stating that none exist;

- f. Any encumbrances identified in the title opinion or title search report and a note stating, “the survey was prepared with the benefit of a title report.”
  - g. Updated access easement if an existing private street is used for access to new lot(s).
- (2) Deed of the parent parcel showing the applicant or an immediate family member has owned the parent parcel, or any portion thereof that is being recombined to create the parent parcel, for a minimum of five (5) years;
- (3) Proposed covenants and restrictions provided by subsection (d), executed by the applicant; and
- (4) An affidavit made jointly by the applicant/owner and the immediate family member to whom a portion of the property is intended to be conveyed, devised, or transferred, on a form provided by the Development Department, and verifying the following:
- a. The Parent parcel and the proposed Family Homestead Exemption lot;
  - b. The intended recipient of the land is an immediate family member of the person from whom the parcel is conveyed, devised, or transferred, as defined in Policy 1.1.15 of the Future Land Use Element, DeSoto County Comprehensive Plan, and is legally eligible to own fee simple title to homestead property under Florida law.
- (c) Requirements for approval:

- (1) Existing parent parcel shall be a minimum of ~~thirty (30)~~ twenty-five (25) acres, located in the A-10 or A-5 zoning districts, is a legal lot of record, and owned a minimum of five (5) consecutive years by the person who plans to convey property under this exemption or by an immediate family member. For purposes of the family homestead exemption, continuous ownership by one or more immediate family members shall be aggregated and deemed to satisfy the five (5) year requirement. A conveyance between immediate family members for estate planning, homestead use, or to recombine property in order to meet the minimum parent parcel acreage requirements of this section shall not be considered a break in ownership or a new

ownership period, provided the property has remained continuously owned within the immediate family.

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**Section 3. 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 4. 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 5. 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: \_\_\_\_\_  
Steve Hickox,  
Chairman

Approved as to form and legal sufficiency:

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



# DeSoto County

3/3/2026

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Item #: 7.

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- 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:**

**Resolution / Comp Plan Amendment Transmittal for Essential Services  
(COMP-0017-2025)**

**REQUESTED MOTION:**

**A motion to enter into the record the development review report and make a recommendation to the Board of County Commissioners to adopt/deny the proposed resolution for the Comprehensive Plan Amendment transmittal.**

**SUMMARY:**

**The proposed text amendment to the DeSoto County Comprehensive Plan Future Land Use Element is related to land uses designated as Essential Services with the goal of increasing efficiency for providing Essential Services to the residents and business owners in DeSoto County.**

**BACKGROUND:**

**DeSoto County Government owns and operates various types of infrastructure, including potable water and sanitary sewer utility systems, which includes underground pipes but also includes physical plants, pump stations, water towers, lift stations, and other above-ground infrastructure. Additionally, the county's Public Safety Department provides fire and emergency management services, and the county also operates a landfill for solid waste disposal. These services are housed in buildings owned/operated to serve the public, another component of Essential Services.**

**The City of Arcadia's Airport is critical infrastructure, but municipal airports are not currently included under the definition of Essential Services. This deficiency was noted when the airport sought a small expansion to build cabins for their existing campground for temporary lodging for pilots, but the expansion was difficult to complete within the procedural requirements of the LDR without an approved master plan/Development Plan**

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**ITEM #: 7.**

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showing those entitlements. And, while the airport is owned and operated by the City, the airport is in unincorporated DeSoto County and therefore subject to the county's regulations.

While the City's airport was the catalyst for re-evaluating the application of Essential Services in the Comprehensive Plan, it also provided an opportunity to refine the definition to broadly include structures and services owned and operated by government entities.

Expanding and clarifying the existing definition will also allow the Comprehensive Plan and the LDR to consistently reference Essential Services in both documents, as the existing definition of Essential Services in Policy 1.1.14 is currently inconsistent with the definition in the LDRs.

Amendments to the LDRs are being proposed simultaneously but can only be adopted after adoption of the Comprehensive Plan amendment. Should the Comprehensive Plan amendment fail to be adopted, the LDR amendments could not be approved.

It is noted that the Essential Services definition contextually is not related to the essential services debated during the COVID epidemic but limited to services from a land use perspective, recognizing that it is appropriate to allow them in all zoning districts given their role as critical supporting infrastructure and services to the public.



## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

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**CASE#:** COMP-0017-2025

**REQUEST:** County-Initiated Text Amendment to the Comprehensive Plan Future Land Use Element

**APPLICANT:** DeSoto County Government

**PROPERTY ID:** N/A

**PROPERTY ADDRESS:** N/A

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### **DEVELOPMENT REVIEW REPORT**

The proposed text amendment to the DeSoto County Comprehensive Plan Future Land Use Element is related to land uses designated as Essential Services with the goal of increasing efficiency for providing Essential Services to the residents and business owners in DeSoto County.

#### **I. BACKGROUND**

DeSoto County Government owns and operates various types of infrastructure, including potable water and sanitary sewer utility systems, which includes underground pipes but also includes physical plants, pump stations, water towers, lift stations, and other above-ground infrastructure. Additionally, the county's Public Safety Department provides fire and emergency management services, and the county also operates a landfill for solid waste disposal. These services are housed in buildings owned/operated to serve the public, another component of Essential Services.

The City of Arcadia's Airport is critical infrastructure, but it is not currently included under the definition of Essential Services. This deficiency was noted when the airport sought a small expansion to build cabins for their existing campground for temporary lodging for pilots, but the expansion was difficult to complete within the procedural requirements of the LDR without an approved master plan/Development Plan showing those entitlements. And, while the airport is owned and operated by the City, the airport is in unincorporated DeSoto County and therefore subject to the county's regulations.

While the City's airport was the catalyst for re-evaluating the application of Essential Services in the Comprehensive Plan, it also provided an opportunity to refine the definition to broadly include structures and services owned and operated by government entities.

Expanding and clarifying the existing definition will also allow the Comprehensive Plan and the LDR to consistently reference Essential Services in both documents, as the

existing definition of Essential Services in Policy 1.1.14 is currently inconsistent with the definition in the LDRs.

Amendments to the LDRs are being proposed simultaneously but can only be adopted after adoption of the Comprehensive Plan amendment. Should the Comprehensive Plan amendment fail to be adopted, the LDR amendments could not be approved.

It is noted that the Essential Services definition contextually is not related to the essential services debated during the COVID epidemic but limited to services from a land use perspective, recognizing that it is appropriate to allow them in all zoning districts given their role as critical supporting infrastructure and services to the public.

## II. PROPOSED CHANGES

The following revisions to Policy 1.1.14 are proposed and shown in strike-thru/underline format:

**Policy 1.1.14: *Essential Services and Structures.*** “Essential Services” means government owned services and structures, including but not limited to utilities, general communications, public safety uses, municipal public-use airports, penal facilities, and solid waste disposal facilities and ~~(to include infrastructure such as water, wastewater, cable TV, etc.)~~ and “Essential Services Facilities” ~~(to include structures, housing or ancillary infrastructure)~~ shall may be allowed in any zone district ~~through the~~ as provided by the County’s Land Development Regulations Development Plan process.

## III. DATA & ANALYSIS

Section 163.3177(1)(f), Florida Statutes, provides that all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue.

The current policy’s definition of essential services does not capture all critical services and is inconsistent with the LDRs.

## IV CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendment application has been reviewed for consistency with the following Comprehensive Plan provisions.

### Future Land Use Element (FLUE) Provisions

**GOAL 1: FUTURE GROWTH.** Through 2040, future growth in DeSoto County will be managed using sustainability and smart growth principles to accommodate new growth without compromising the ability of future generations to meet their needs. The Future Land Use Element shall be used as a tool to direct the most intensive growth into the urban center and surrounding areas, optimizing services and infrastructure, protecting the rural character of the County, and protecting the environment.

*Consistency analysis: The proposed amendment will help ensure the infrastructure and services are in place in a timely fashion to serve growth. Based on the above, it is concluded the amendment can be found **consistent** with this goal.*

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

*Consistency analysis: The proposed amendment will help to ensure the infrastructure and services are in place in a timely fashion to serve growth. Based on the above, it is concluded the amendment can be found **consistent** with this goal.*

**Objective 1.10: Public Lands and Institutions (PLI) Category Defined.** The Public Lands and Institutions land use category includes only those lands that are legally owned or leased long-term (20 years+) by a local, state, federal, public utility or special government and used specifically to serve the public in some capacity. This category is designated solely to show the location and variety of such governmental uses and to depict a more accurate picture of residential density within the FLUM. These are generally long-term uses that will be utilized publicly for over 50 years.

**MEASUREABLE TARGET:** Description of new developments each year on Public Lands-Intitutional lands and conformity of said development to the description of uses in the following policies.

**Policy 1.10.1:** *Public Lands and Institutions Category Location.* The following criteria shall be used for assigning new areas for the Public Lands and Institutions (PLI) land use category on the Future Land Use Map:

- (1) Land already legally owned or controlled by a governmental entity and used in the service of the public.
- (2) When privately owned lands are permanently deeded, purchased, or leased long-term (20+years) for governmental use purposes, the County shall amend the Future Land Use Plan Map at the next available plan amendment cycle to change the land use to the Public Lands and Institutions Land Use designation. Additional land will be designated as PLI as new facilities are built over time such as schools utility plants, active parks.

**Policy 1.10.2: *Public Lands and Institutions Category Uses.*** This land use category includes those lands which contain State, Federal and City, County, School, and other quasi-governmental owned facilities that are publicly owned or controlled but are not Preservation. They may contain:

- (1) Governmental offices;
- (2) Public Works Facilities. Maintenance Departments;
- (3) Active and Passive parks;
- (4) Caretaker Residence;
- (5) Utility plants and facilities, excluding electrical generating plants;
- (6) Schools;
- (7) Correctional facilities, Civil Commitment Center;
- (8) Stormwater detention/retention Facilities and Water Reservoirs; and
- (9) Similar public service facilities.

*Consistency analysis: The proposed amendment will help ensure the infrastructure and services meeting the definition of essential services can be appropriately and timely located. The City of Arcadia Airport is located in the Public Lands and Institutions future land use category and defining the airport under Essential Services can be found to be found **consistent** with the objective and policies of this category.*

**Policy 1.10.4: Land Use Compatibility.** Land uses which are potentially incompatible either due to type of use or intensity of use shall be buffered from one another.

*Consistency analysis: The proposed amendment will help ensure the infrastructure and services meeting the definition of essential services can be appropriately and timely located with consideration for compatibility as required by this policy. Based on the above, it is concluded the amendment can be found **consistent** with this goal.*

**Policy 1.14.1: Intergovernmental Coordination.** When reviewing Future Land Use Map amendments, the County shall consider the existing and proposed land uses that are adjacent to the proposed amendment in the City of Arcadia, Arcadia Municipal Airport, as well as neighboring counties.

**Policy 1.14.1.a:** The County shall notify the Arcadia Municipal Airport of any amendment to the Future Land Use Map that would increase density around the airport.

**Policy 1.14.1.b:** The County shall strictly enforce building height requirements around the Arcadia Municipal Airport pursuant to FAA regulations and the County Land Development Regulations.

**Policy 1.14.1.c:** The County shall protect the Arcadia Municipal Airport from the encroachment of incompatible land uses through appropriate zoning and other land development regulations in a manner consistent with the provisions of Section 330.02 and 330.03(2), Florida Statutes. In addition, FDOT's "Airport Compatible Land Use Guidebook" shall serve as a reference when assessing land use compatibility.

*Consistency analysis: The proposed amendment will help ensure the City of Arcadia Airport, a municipal public-use airport, can continue as an essential use, consistent with Federal and State standards, without compromising compatibility. Based on the above, it is concluded the amendment can be found **consistent** with the policies above.*

**Policy 1.14.4: Public and Institutional Uses.** Public and Institutional uses are diverse, and the County will need to take extra precautions in relation to this category to ensure that the uses proposed are designed to be compatible with the surrounding neighborhoods and do not contribute to blight.

- (1) Institutional uses such as group homes, cemeteries, community residential facilities, social services facilities shall be designed to ensure compatibility with surrounding development and that the facilities are not clustered together in one area.
- (2) Civic uses such as museums, municipal and county branch offices, post offices, and libraries are encouraged to be located in proximity to residential communities, schools and in or near activity centers.
- (3) Private schools that are not required to comply with State of Florida school siting criteria must also be designed as part of the community.
- (4) Correction and rehabilitation facilities shall not be clustered and shall provide adequate buffering and transition to protect established communities.

*Consistency analysis: The proposed amendment will help ensure the critical infrastructure and services meeting the definition of Essential Services can be appropriately and timely considered in all zoning districts, located with consideration for compatibility, as further procedurally defined in the companion LDR amendment. Based on the above, it is concluded that the amendment can be found **consistent** with this policy.*

#### **IV. PUBLIC NOTICE**

Section 163.3184(11)(b), Florida Statutes, establishes the public hearing requirements for local Comprehensive Plan amendments. It provides the local governing body shall hold at least two advertised public hearings on the proposed plan amendment. The first public hearing is held at the transmittal stage. The public hearing must be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166. The second public hearing must be held at the adoption stage. That hearing must be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

Public notice includes advertising the amendment in a newspaper of general circulation in DeSoto County at least 10 days prior to each public hearing for the text amendment. The County has provided evidence that the amendment was noticed at least 10 days before the Planning Commission public hearing. Such notice is filed with the Division and incorporated herein by reference.

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

- March 03, 2026 – Legislative public hearing by the Planning Commission sitting as the Local Planning Agency
- March 24, 2026– Legislative public hearing with the Board of County Commissioners to consider transmittal of amendment to State.
- To Be Determined - Legislative public hearing with the Board of County Commissioners to consider adoption of the amendment.

#### Required Notifications

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

#### **V. ATTACHMENTS**

Exhibit A: Expedited State Review Flow Chart

Exhibit B: Proposed Resolution

#### **VI. FINDINGS AND CONCLUSIONS**

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

1. An application to amend the text of the Comprehensive Plan's Interim 2040 Future Land Use Element by amending the definition of Essential Services was initiated by the county and completed by the Development Department. The Development Department has reviewed the application and determined the application is complete.
2. The Planning Director has reviewed the text amendment application for consistency with Section 163.3184(3), Florida Statutes, and concludes the application can be found to be **consistent** with those requirements.
3. The Planning Director has reviewed the proposed amendment against the Comprehensive Plan's relevant goals, objectives and policies and concludes it can be found to be **consistent**.
4. The due public notice requirements have been satisfied.

## **VII. ALTERNATIVE ACTIONS**

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

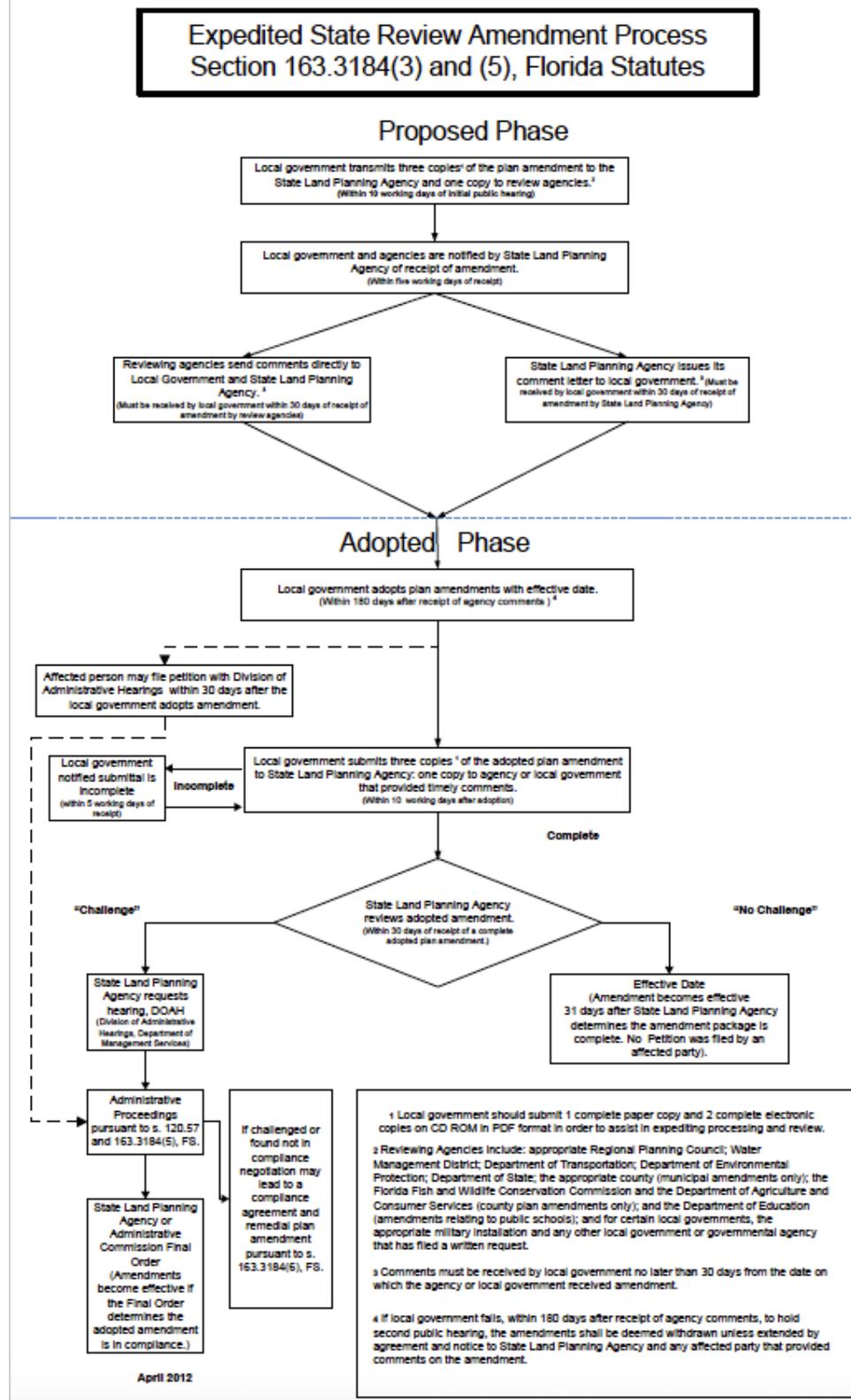
- A. Adopt the Development Review Report as the Planning Commission's report and findings, and forward the report to the Board of County Commissioners with a recommendation of approval and that the proposed Resolution be transmitted to the State Department of Commerce.
- B. Enter into the record the Development Review Report and amend the findings and conclusions contained therein to support the Planning Commission's recommendation, and forward the record to the Board of County Commissioners with the recommendation of denial and that the proposed Resolution is not transmitted to the State Department of Commerce.

## **VIII. PUBLIC HEARINGS**

- A. Planning Commission. March 03, 2026
- B. Board of County Commission Transmittal Hearing. March 24, 2026
- C. Board of County Commission Adoption Hearing. April 28, 2026

# Attachments

## Exhibit A – Expedited State Review Flow Chart



**DESOTO COUNTY, FLORIDA  
RESOLUTION 2026- \_\_\_\_**

**A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING FOR TRANSMITTAL TO ALL REQUIRED ENTITIES A PROPOSED TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT OF THE DESOTO COUNTY COMPREHENSIVE PLAN TO AMEND POLICY 1.1.14 TO BROADEN AND CLARIFY THE DEFINITION OF ESSENTIAL SERVICES, AND MAKING IT CONSISTENT WITH THE LAND DEVELOPMENT REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 125, Florida Statutes, empowers the Board of County Commissioners (hereinafter referred to as the “Board”) to prepare and enforce comprehensive plans for the development of the County; and

**WHEREAS**, Policy 1.1.4 of the DeSoto County Comprehensive Plan Future Land Use Element provides that “Essential Services” may be allowed in any zoning district as provided through the County’s Land Development Regulations (“LDRs”), and defines “Essential Services” narrowly to include water, wastewater and cable TV, which definition is inconsistent with the definition in the LDRs; and

**WHEREAS**, ensuring the term “Essential Services” is consistent in the Comprehensive Plan and LDR allows for consistent implementation of the term and helps to ensure that government owned infrastructure and services are in place in a timely fashion to serve growth; and

**WHEREAS**, pursuant to Section 163.3184, Florida Statutes, the Board is required to transmit to the reviewing agencies (and any other local government or governmental agency that has filed a written request with the governing body) a copy of the proposed Comprehensive Plan amendments; and

**WHEREAS**, public transmittal hearings on the Comprehensive Plan amendment were held by the DeSoto County Planning Commission, acting as the Local Planning Agency, on March 03, 2026, and by the Board on March 24, 2026, pursuant to Sections 163.3184 (3) and (5), F. S.; and

**WHEREAS**, upon the receipt of DeSoto County Comprehensive Plan amendment by the Florida Department of Commerce (FDC), the FDC must review the amendment and issue to DeSoto County any Objections, Recommendations and Comments (ORC) Report on the amendment; and

**WHEREAS**, upon receipt of the FDC ORC Report, DeSoto County has 180 days to adopt, adopt with changes, or not adopt the Comprehensive Plan amendment; and

**WHEREAS**, the Board directs the Development Director to transmit Comprehensive Plan text amendment to all required entities and designates the Development Director as the contact person.

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

**SECTION 1.** The Board of County Commissioners hereby directs the Development Director to transmit to all applicable reviewing agencies as required by Section 163.3184, Florida Statutes, the proposed amendment to the DeSoto County Comprehensive Plan text, revising Policy 1.1.14, as more particularly set forth in Exhibit A to this Resolution.

**SECTION 2.** The proposed amendment to the DeSoto County Comprehensive Plan is attached as Exhibit A to this Resolution.

**PASSED AND DULY ADOPTED** in 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: \_\_\_\_\_  
Steve Hickox  
Chairman

**Approved as to form and legal sufficiency:**

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

## EXHIBIT A

# DESOTO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT GOALS, OBJECTIVES AND POLICIES

### Excerpt

**Policy 1.1.14: *Essential Services and Structures.*** “Essential Services” means government owned services and structures, including but not limited to utilities, general communications, public safety uses, municipal public-use airports, penal facilities, and solid waste disposal facilities and ~~(to include infrastructure such as water, wastewater, cable TV, etc.)~~ and “Essential Services Facilities” ~~(to include structures, housing or ancillary infrastructure)~~ shall may be allowed in any zone district ~~through the~~ as provided by the County’s Land Development Regulations Development Plan process.



# DeSoto County

3/3/2026

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Item #: 8.

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- 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 / Land Development Regulation Amendment for Essential Services (LDR-0012-2025)**

**REQUESTED MOTION:**

**A motion to enter into the record the development review report and make a recommendation to the Board of County Commissioners to adopt/deny the proposed ordinance.**

**SUMMARY:**

**In Article XII. - Definitions, of the County's Land Development Regulations, *Essential Services* is currently defined as follows:**

*Essential services means services designed and operated by, or under the approval of, appropriate governmental jurisdictions to provide necessary utilities, general communications, public uses, and solid waste disposal facilities.*

**DeSoto County Government owns and operates various types of infrastructure, including potable water and sanitary sewer utility systems, which includes underground pipes but also includes physical plants, pump stations, water towers, lift stations, and other above-ground infrastructure. Additionally, the county's Public Safety Department provides fire and emergency management services, and the county also operates a landfill for solid waste disposal. These services are housed in buildings owned/operated to serve the public, another component of Essential Services.**

**BACKGROUND:**

**The City of Arcadia's Airport is critical infrastructure, but municipal airports are not currently included under the definition of Essential Services. This deficiency was noted when the airport sought to build cabins for their existing campground for temporary lodging for pilots, but the expansion was difficult to complete within the procedural requirements of the LDR without an approved master plan/Development Plan showing**

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**ITEM #: 8.**

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**those entitlements. And, while the airport is owned and operated by the City, the airport is in unincorporated DeSoto County and therefore subject to the county's regulations.**

**While the City's airport was the catalyst for the LDR amendment, it also provided an opportunity to plan for a streamlined process for other county owned infrastructure to prevent future delays when county facilities need an upgrade or expansion to adequately serve the public. To maximize efficiency, it is recommended that these services collectively be captured in the definition of "Essential Services".**

**Expanding and clarifying the existing definition will also allow the Comprehensive Plan and LDR to consistently reference Essential Services in both documents.**



## DESOTO COUNTY DEVELOPMENT DEPARTMENT STAFF REPORT

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**CASE NO.:** LDR-0012-2025

**REQUEST:** County-Initiated Amendment to the Land Development Code Related to Essential Services

**PROPERTY ID:** N/A

**PROPERTY ADDRESS:** N/A

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### OVERVIEW OF REQUESTS

In Article XII. – Definitions, of the County’s Land Development Regulations, *Essential Services* is currently defined as follows:

*Essential services means services designed and operated by, or under the approval of, appropriate governmental jurisdictions to provide necessary utilities, general communications, public uses, and solid waste disposal facilities.*

DeSoto County Government owns and operates various types of infrastructure, including potable water and sanitary sewer utility systems, which includes underground pipes but also includes physical plants, pump stations, water towers, lift stations, and other above-ground infrastructure. Additionally, the county’s Public Safety Department provides fire and emergency management services, and the county also operates a landfill for solid waste disposal. These services are housed in buildings owned/operated to serve the public, another component of Essential Services.

The City of Arcadia’s Airport is critical infrastructure, but it is not currently included under the definition of Essential Services. This deficiency was noted when the airport sought to build cabins for their existing campground for temporary lodging for pilots, but the expansion was difficult to complete within the procedural requirements of the LDR without an approved master plan/Development Plan showing those entitlements. And, while the airport is owned and operated by the City, the airport is in unincorporated DeSoto County and therefore subject to the county’s regulations.

While the City’s airport was the catalyst for the LDR amendment, it also provided an opportunity to plan for a streamlined process for other county owned infrastructure to prevent future delays when county facilities need an upgrade or expansion to adequately serve the public. To maximize efficiency, it is recommended that these services collectively be captured in the definition of “Essential Services”.

Expanding and clarifying the existing definition will also allow the Comprehensive Plan and LDR to consistently reference Essential Services in both documents.

A text amendment to the Comprehensive Plan is tracking simultaneously with the LDR amendment, with proposed changes to Policy 1.1.14, as follows:

**Policy 1.1.14: Essential Services and Structures.** “Essential Services” means government owned services and structures, including but not limited to utilities, general communications, public safety uses, municipal public-use airports, penal facilities, and solid waste disposal facilities and (to include infrastructure such as water, wastewater, cable TV, etc.) and “Essential Services Facilities” (to include structures, housing or ancillary infrastructure) shall ~~may be~~ allowed in any zone district through the as provided by the County’s Land Development Regulations Development Plan process.

### **City of Arcadia Municipal Airport**

The airport has a Future Land Use Designation of Public Land Institution and zoning of Industrial Light (IL), but “Municipal Public-Use Airport” is not listed as a permitted use or allowable via the Special Exception process in the IL district, making it a non-conforming use. “Airports and Landing Fields” are allowed with approval of a Special Exception per Sec. 20-140(1). c.7 in the Industrial Heavy (IH) zoning district. Therefore, per today’s regulations, the City’s airport requires approval of a rezoning and special exception by the Board of County Commissioners in a quasi-judicial hearing before any new development (including minor additions like the cabins) can occur.

Alternatively, identifying municipal public-use airports as “essential services” is a common and more efficient approach.

Municipal Public-Use Airports, per Florida Department of Transportation’s (FDOT) [2019 Statewide Aviation Economic Impact Study](#), are deemed essential services. During times of disaster, airports are crucial for transporting medical supplies, law enforcement, and emergency personnel. The FDOT includes airport assessments in its disaster recovery process to ensure these facilities can support relief efforts. Organizations like the Southeast Airport Disaster Operations Group (SEADOG) is an example of a disaster mitigation team that coordinates with airports to provide volunteer staff and equipment to assist airports impacted by disasters. For clarity, other private airports (also referenced as landing fields) are not Municipal Public-Use Airports.

### **Essential Services, Process**

Finally, refining the Essential Services definition presents an opportunity to differentiate the approval processes for the different types of Essential Services. For example, staff recommends that some essential services will not require any Planning Division processes (Development Plan or Improvement Plan) such as the expansion of existing county utility facilities. Staff recommends that some Essential Services obtain administrative approval of an Improvement Plan only, such as new county utilities. The permitted Essential Services are shown as allowed in all zoning districts. In the recommended procedure, controversial Essential Services, such as Penal Facilities and Landfills require approval of a Special Exception by the Board to ensure the public has an opportunity to comment on the proposal in a public hearing and are only recommended in the IH, P/I, and PUD zoning districts.

## SPECIFIC AMENDMENTS

The following are proposed LDR Amendments shown in a ~~strike-thru~~ (removal) and underline (add) format. The actual LDR text is *italicized* in this report to show the difference between the *text of the code* and the staff report analysis.

### **Sec. 20-95. - Essential Services.**

(a) ~~Essential Services, as approved by the Board of County Commissioners, that are listed as Permitted Uses in (1), (2), and (3) below may be located in any zoning district, as follows:~~

(1) Permitted uses considered essential services that are exempt from Planning Division processes, including Development Plans and Improvement Plans.

- a. Sewer, water, and gas collection/distribution lines;
- b. Existing government owned potable water treatment plants and related facilities, buildings, accessory uses and expansion thereof;
- c. Existing government owned pump stations and water towers related to the distribution of potable water, and expansion thereof;
- d. Existing government owned wastewater treatment plants and related facilities, buildings, accessory uses, and expansion thereof;
- e. Existing government owned master and other lift stations associated with the collection of wastewater, and expansion thereof;
- ~~b. f.~~ Electric, telephone, internet, and cable lines; and
- ~~e. g.~~ Existing government owned Public buildings and expansions thereof.

(2) Permitted uses considered essential services that are exempted from receiving Development Plan approval by the Board, but are subject to administrative approval of an Improvement Plan.

- a. New government owned potable water treatment plants and related facilities;
- b. New government owned pump stations and water towers related to the distribution of potable water;
- c. New government owned wastewater treatment plants and related facilities, buildings, accessory uses; and
- d. New government owned buildings.

(3) Municipal Public Use Airports are considered essential services that are permitted in all zoning districts, with a valid Airport Master Plan (Development Plan), approved by the Board.

(4) Special Exception Essential Services uses: are only allowed with approval of a Special Exception in the IH, P/I, and PUD zoning districts.

- a. Government owned electric ~~Electric~~, coal, and gas generating plants;
- b. Government owned ~~A~~automatic government owned substations and switch stations necessary for operation of authorized utility systems that cover more than 80 square feet in size of land area and more than five feet in height.
- c. Government owned Penal facilities.
- d. New or expanded government owned landfills and solid waste transfer stations.

(b) As used in this Section, "Government Owned" shall mean facilities owned by a federal, state, county, or municipal government, as well as the Peace River Manasota Regional Water Supply Authority, and excludes Community Development District (CDD) owned facilities.

The reference to "airports and landing fields" in the IH zoning district is shown to be updated to conform to newly created terms and definitions for "Aircraft Landing Fields" and "Private Use Airports" so as to distinguish from "Municipal Public Use Airports" and also incorporates the "Essential Services" under Sec. 20-95(4) as special exceptions.

**Sec. 20-140. - Industrial Heavy District (IH).**

*(1).c. Special exception uses and structures.*

*7. Indoor and outdoor firing ranges, private use airports and aircraft landing fields ~~airports and landing fields~~, public utility transmission facilities.*

*10. Essential Services, per Sec. 20-95(4).*

The language for Special Exception uses and structures is amended, as shown below, as Sec. 20-95(4) will govern.

**Sec. 20-142. - Public/Institutional (P/I).**

*(1)c. Special exception uses and structures.*

*1. Essential Services per Sec. 20-95(4). ~~Utility substations, such as water treatment, wastewater treatment and similar utility uses.~~*

*2. ~~Government buildings and public uses other than those listed in the permitted uses, such as military installations, airports, penal facilities and similar uses.~~*

*3.2. Family cemeteries (see Section 20-689(d)).*

A reference to Sec. 20-95 will govern Essential Services in the PUD district, and is added to Sec 20-144 (f)(4) as shown below:

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

*(f) Planned unit development districts—Specific requirements, limitations and standards. In addition to all general provisions and procedures set out in this section, the following specific requirements, limitations and standards shall apply:*

*(1) Location. PUD districts shall be located so as to maintain adopted level of service on all impacted public rights-of-way.*

*(2) Minimum area required. The minimum area required for a planned unit development district containing only residential uses shall be five acres: containing only commercial or industrial uses shall be two acres, and containing a mix of residential, commercial or industrial uses shall be five acres.*

*(3) Character of the site. The condition of soil, groundwater level, drainage and topography shall all be appropriate to both kind and pattern of use or uses*

*intended. The site shall also contain sufficient width and depth to adequately accommodate its proposed use and design.*

*(4) Uses permitted. An applicant may propose any use or combination of uses within a proposed PUD subject to the minimum area requirements contained herein and the limitations contained in Section 20-95 for Essential Services*

Sec. 20-1433 of the LDRs sets forth the findings to be made by the Planning Commission when reviewing and recommending approval of a Special Exception. The following amendment to Sec. 20-1433 amends subsection (10) to cross reference the Essential Services authorized with a Special Exception, as shown in Sec 20-95(4) and clarify that a concept plan is required with a Special Exception.

*Sec. 20-1433. Findings by the Planning Commission.*

*Before any special exception shall be recommended for approval to the Board of County Commissioners, the Planning Commission shall make a written finding that the granting of the special exception will not adversely affect the public interest, that the specific requirements governing the individual Special Exception, if any, have been met by the applicant, and that satisfactory provisions and arrangements have been made concerning the following matters, where applicable:*

- (1) Compliance with all elements of the Comprehensive Plan;*
- (2) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;*
- (3) Off-street parking and loading areas, where required, and economic, noise, vibration, dust, glare or odor effects of the special exception on adjoining properties and properties generally in the district;*
- (4) Utilities, with reference to locations, availability and compatibility;*
- (5) Screening and buffering with reference to type, dimensions and character;*
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district;*
- (7) Required yards and other open space;*
- (8) General compatibility with adjacent properties and other property in the district;*
- (9) Any special requirements set out in the zoning district regulations for the particular use involved;*
- (10) ~~Public and private utilities, structures, or uses required for public or private utilities, including, but not limited to, wastewater, gas, electric, and telephone utilities, sanitary landfills, and radio and television stations and towers may be permitted only as a special exception unless determined by the Board to be essential service. In addition to the items contained in Subsections (1) through (9) of this section, the review of the request for a special exception shall include consideration of a A concept plan showing all proposed improvements or and land alterations, that are proposed for the utilities or facilities. The proposed location of such utilities or facilities which shall not be such as not to be injurious to the health, safety, and welfare of the public or surrounding property owners, and shall protect the character of the surrounding property and maintain the stability of residential, commercial, manufacturing, agricultural, educational, cultural, and recreational areas within the County. For Special Exception Essential Uses, tThe Planning Commission shall consider the public benefit to be derived, the need for the proposed facilities, the existence of suitable alternative locations, potential impacts to surface water or groundwater drinking supplies, and whether the facility can properly be located on the site and in the~~*

~~development which it is to service shall also be taken into consideration where appropriate.~~ Conditions in the form of screening, landscaping, or other site development restrictions may be imposed to protect the health, safety and welfare of the public or surrounding property owners;

(11) The proposed use shall not act as a detrimental intrusion into the surrounding area;  
and

(12) The proposed use shall meet the performance standards of the district in which the proposed use is permitted.

The following definitions are proposed, including a definition of Essential Services for consistency with the proposed Comprehensive Plan text amendment, simultaneously being processed.

*Section 20-1650 – Definitions.*

Aircraft Landing Field are small-scale private use aviation facilities associated with agricultural operations related to crop dusting and farm support, personal aircraft, and aviation-oriented developments. No fuel sales, maintenance shops, flight schools, or passenger transport for hire are associated with these facilities. They are not considered airports but still require FAA and FDOT approvals.

Airport Master Plan shall mean a plan that shows the existing and planned improvements for a Municipal Public-Use Airport and serves as a “Development Plan”.

Essential services See Sec 20-95.

Municipal Public-Use Airport shall mean a municipally owned airport, licensed by the state, which is open for use by the public.

Private-Use Airport means a privately-owned airport, not open to the public, or operated for public benefit.

## COMPREHENSIVE PLAN CONSISTENCY

Staff is simultaneously processing Comprehensive Plan text amendment to the definition of “Essential Services and Structures”, which must be adopted by the Board prior to adopting the subject LDR amendments. The proposed LDR amendments can be found to be consistent with the proposed Comprehensive Plan text amendment.

### ***Policy 1.1.14: Essential Services and Structures.***

Essential Services and Structures. “Essential Services” means government owned services and structures, including but not limited to utilities, general communications, public safety uses, municipal public-use airports, penal facilities, and solid waste disposal facilities and (to include infrastructure such as water, wastewater, cable TV, etc.) and “Essential Services Facilities” (to

~~include structures, housing or ancillary infrastructure) shall~~ may be allowed in any zone district through the as provided by the County's Land Development Regulations Development Plan process.

The following objectives and policies are related to, Essential Services and have been considered when drafting the proposed LDR amendments.

**Objective 1.10: Public Lands and Institutions (PLI) Category Defined.** *The Public Lands and Institutions land use category includes only those lands that are legally owned or leased long-term (20 years+) by a local, state, federal, public utility or special government and used specifically to serve the public in some capacity. This category is designated solely to show the location and variety of such governmental uses and to depict a more accurate picture of residential density within the FLUM. These are generally long-term uses that will be utilized publicly for over 50 years.*

**MEASUREABLE TARGET:** *Description of new developments each year on Public Lands-Intitutional lands and conformity of said development to the description of uses in the following policies.*

**Policy 1.10.1: Public Lands and Institutions Category Location.** *The following criteria shall be used for assigning new areas for the Public Lands and Institutions (PLI) land use category on the Future Land Use Map:*

- (1) Land already legally owned or controlled by a governmental entity and used in the service of the public.*
- (2) When privately owned lands are permanently deeded, purchased, or leased long-term (20+years) for governmental use purposes, the County shall amend the Future Land Use Plan Map at the next available plan amendment cycle to change the land use to the Public Lands and Institutions Land Use designation Additional land will be designated as PLI as new facilities are built over time such as schools utility plants, active parks.*

**Policy 1.10.2: Public Lands and Institutions Category Uses.** *This land use category includes those lands which contain State, Federal and City, County, School, and other quasi-governmental owned facilities that are publicly owned or controlled but are not Preservation. They may contain:*

- (1) Governmental offices;*
- (2) Public Works Facilities. Maintenance Departments;*
- (3) Active and Passive parks;*
- (4) Caretaker Residence;*
- (5) Utility plants and facilities, excluding electrical generating plants;*
- (6) Schools;*
- (7) Correctional facilities, Civil Commitment Center;*
- (8) Stormwater detention/retention Facilities and Water Reservoirs; and*
- (9) Similar public service facilities.*

**Policy 1.10.3: Density/Intensity/Open Space design.** *All development within the Public Lands and Institution Land Use category is required to cluster development and provide 25 percent open space on-site. Intensity of non-residential development shall be limited to FAR of 1.0.*

***Policy 1.10.4: Land Use Compatibility. Land uses which are potentially incompatible either due to type of use or intensity of use shall be buffered from one another.***

Consistency analysis: The proposed LDR amendments will implement the above objectives and policies and can be found to be consistent with such.

## **PUBLIC HEARINGS:**

Planning Commission: March 3, 2026

Board of County Commissioners, 1<sup>st</sup> Reading: March 24, 2026

Board of County Commissioners, Adoption: April 28, 2026

## **ACTIONS FOR PLANNING COMMISSION CONSIDERATION**

1. Motion to recommend approval and adopt the Staff Report as the findings and report of the Planning Commission.
2. Motion to recommend denial and adopt the oral findings on the record as reflected in the minutes as the report of the Planning Commission in support of the recommendation of denial.

**DESOTO COUNTY, FLORIDA**

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

**AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING THE COUNTY LAND DEVELOPMENT REGULATIONS RELATED TO ESSENTIAL SERVICES BY AMENDING SECTION 20-95 “ESSENTIAL SERVICES” TO ALLOW ESSENTIAL SERVICES, AS NEWLY DEFINED, AS PERMITTED USES IN ANY ZONING DISTRICT, INCLUDING THE ADDITION OF MUNICIPAL PUBLIC USE AIRPORTS; IDENTIFYING ESSENTIAL SERVICES THAT ARE ALLOWED ONLY BY SPECIAL EXCEPTION IN THE INDUSTRIAL HEAVY (IH), PUBLIC/INSTITUTIONAL (P/I), AND PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICTS AND AMENDING SECTIONS 20-140, 20-142, AND 20-144, ACCORDINGLY; AMENDING SECTION 20-1650 TO INCLUDE DEFINITIONS FOR AIRPORT RELATED TERMS AND ESSENTIAL SERVICES; AMENDING SECTION 20-1433(10) TO CLARIFY LANGUAGE AND PROCEDURES RELATED TO REVIEW OF ESSENTIAL SERVICES; 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 1.1.14 of the Future Land Use Element of the County’s Comprehensive Plan provides that “Essential Services” may be allowed in any zoning district as provided in the County’s Land Development Regulations; and

**WHEREAS**, a key purpose of this ordinance is to expand the definition of Essential Services to streamline required expansion to existing publicly owned infrastructure and services, including Municipal Public-Use Airports, and to identify and provide which Essential Services will require Special Exception approval and can only be considered in the Industrial Heavy (IH), Public/Institutional (P/I), and Planned Unit Development (PUD) zoning districts; 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 3 of Article II, of Chapter 20 of the DeSoto County Code of Ordinances.** Chapter 20, Article II, Division 3, Section 20-95 of the DeSoto County Code of Ordinances is hereby amended as follows:

\*\*\*

## ARTICLE II. - ZONING DISTRICTS AND REQUIREMENTS

\*\*\*

### DIVISION 3. - ESSENTIAL SERVICES AND PARKING

#### **Sec. 20-95. - Essential Services.**

(a) Essential Services, ~~as approved by the Board of County Commissioners, that are listed as Permitted Uses in (1), (2), and (3) below~~ may be located in any zoning district, as follows:

(1) Permitted uses considered essential services that are exempt from Planning Division processes, including Development Plans and Improvement Plans.

- a. Sewer, water, and gas collection/distribution lines;
- b. Existing government owned potable water treatment plants and related facilities, buildings, accessory uses and expansion thereof;
- c. Existing government owned pump stations and water towers related to the distribution of potable water, and expansion thereof;
- d. Existing government owned wastewater treatment plants and related facilities, buildings, accessory uses, and expansion thereof;
- e. Existing government owned master and other lift stations associated with the collection of wastewater, and expansion thereof;
- ~~b. f.~~ f. Electric, telephone, internet, and cable lines; and
- ~~e. g.~~ g. Existing government owned Public buildings and expansions thereof.

(2) Permitted uses considered essential services that are exempted from receiving Development Plan approval by the Board, but are subject to administrative approval of an Improvement Plan.

- a. New government owned potable water treatment plants and related facilities;
- b. New government owned pump stations and water towers related to the distribution of potable water;
- c. New government owned wastewater treatment plants and related facilities, buildings, accessory uses; and
- d. New government owned buildings.

(3) Municipal Public Use Airports are considered essential services that are permitted in all zoning districts, with a valid Airport Master Plan (Development Plan), approved by the Board.

(4) Special Exception Essential Services uses- are only allowed with approval of a Special Exception in the IH, P/I, and PUD zoning districts.

- a. Government owned electric Electric, coal, and gas generating plants;
- b. Government owned aAutomatic government-owned substations and switch stations necessary for operation of authorized utility systems that cover more than 80 square feet in size of land area and more than five feet in height.
- c. Government owned Penal facilities.
- d. New or expanded government owned landfills and solid waste transfer stations.

(b) As used in this Section, "Government Owned" shall mean facilities owned by a federal, state, county, or municipal government, as well as the Peace River Manasota Regional Water Supply Authority, and excludes Community Development District (CDD) owned facilities.

**Section 3. Amendment to Division 4 of Article II, of Chapter 20 of the DeSoto County Code of Ordinances.** Chapter 20, Article II, Division 4, 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**

\*\*\*

#### ***Sec. 20-140. - Industrial Heavy District (IH).***

(1) Uses and structures. No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

\*\*\*

c. Special exception uses and structures.

7. Indoor and outdoor firing ranges, private use airports and aircraft landing fields, airports and landing fields, public utility transmission facilities.

\*\*\*

10. Essential Services, per Sec. 20-95(4).

\*\*\*

**Sec. 20-142. - Public/Institutional (P/I).**

The intent of the Public/Institutional District (P/I) is to regulate the location of a broad range of public service facilities, government facilities and institutions. This district will provide a wide range of services, facilities and institutions and therefore shall be located in appropriate areas accessible to the public or in areas with demonstrated demand or need for such.

- (1) Uses and structures. No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

\*\*\*

c. Special exception uses and structures.

- 1. Essential Services per Sec. 20-95(4). ~~Utility substations, such as water treatment, wastewater treatment and similar utility uses.~~
- 2. ~~Government buildings and public uses other than those listed in the permitted uses, such as military installations, airports, penal facilities and similar uses.~~
- 3. Family cemeteries (see Section 20-689(d)).

\*\*\*

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

\*\*\*

(f) Planned unit development districts—Specific requirements, limitations and standards. In addition to all general provisions and procedures set out in this section, the following specific requirements, limitations and standards shall apply:

- (1) Location. PUD districts shall be located so as to maintain adopted level of service on all impacted public rights-of-way.
- (2) Minimum area required. The minimum area required for a planned unit development district containing only residential uses shall be five acres; containing only commercial or industrial uses shall be two acres, and containing a mix of residential, commercial or industrial uses shall be five acres.
- (3) Character of the site. The condition of soil, groundwater level, drainage and topography shall all be appropriate to both kind and pattern of use or uses intended. The site shall also contain sufficient width and depth to adequately accommodate its proposed use and design.
- (4) Uses permitted. An applicant may propose any use or combination of uses within a proposed PUD subject to the minimum area requirements contained herein and the limitations contained in Section 20-95 for Essential Services

\*\*\*

**Section 4. Amendment to Division 5 of Article XI, of Chapter 20 of the DeSoto County Code of Ordinances.** Chapter 20, Article XI, Division 5, Section 20-1433 of the DeSoto County Code of Ordinances is hereby amended as follows:

**ARTICLE XI. - ADMINISTRATION AND ENFORCEMENT**

\*\*\*

**DIVISION 5. - PROCEDURES FOR APPLICATIONS FOR SPECIAL EXCEPTIONS**

\*\*\*

***Sec. 20-1433. Findings by the Planning Commission.***

Before any special exception shall be recommended for approval to the Board of County Commissioners, the Planning Commission shall make a written finding that the granting of the special exception will not adversely affect the public interest, that the specific requirements governing the individual Special Exception, if any, have been met by the applicant, and that satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

- (1) Compliance with all elements of the Comprehensive Plan;
- (2) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
- (3) Off-street parking and loading areas, where required, and economic, noise, vibration, dust, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
- (4) Utilities, with reference to locations, availability and compatibility;
- (5) Screening and buffering with reference to type, dimensions and character;
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district;
- (7) Required yards and other open space;
- (8) General compatibility with adjacent properties and other property in the district;
- (9) Any special requirements set out in the zoning district regulations for the particular use involved;
- (10) ~~Public and private utilities, structures, or uses required for public or private utilities, including, but not limited to, wastewater, gas, electric, and telephone utilities, sanitary landfills, and radio and television stations and towers may be permitted only as a special exception unless determined by the Board to be essential service. In addition to the items contained in Subsections (1) through (9) of this section, the review of the request for a special exception shall include consideration of a A concept plan showing all proposed improvements or and land alterations, that are proposed for the utilities or facilities. The proposed location of such utilities or facilities which shall not be such as not to be injurious to the health, safety, and welfare of the public or surrounding property owners, and shall protect~~

the character of the surrounding property and maintain the stability of residential, commercial, manufacturing, agricultural, educational, cultural, and recreational areas within the County. For Special Exception Essential Uses, the Planning Commission shall consider the public benefit to be derived, the need for the proposed facilities, the existence of suitable alternative locations, potential impacts to surface water or groundwater drinking supplies, and whether the facility can properly be located on the site and in the development which it is to service shall also be taken into consideration where appropriate. Conditions in the form of screening, landscaping, or other site development restrictions may be imposed to protect the health, safety and welfare of the public or surrounding property owners;

(11) The proposed use shall not act as a detrimental intrusion into the surrounding area; and

(12) The proposed use shall meet the performance standards of the district in which the proposed use is permitted.

\*\*\*

**Section 5. 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:

\*\*\*

Aircraft Landing Field are small-scale private use aviation facilities associated with agricultural operations related to crop dusting and farm support, personal aircraft, and aviation-oriented developments. No fuel sales, maintenance shops, flight schools, or passenger transport for hire are associated with these facilities. They are not considered airports but still require FAA and FDOT approvals.

\*\*\*

Airport Master Plan shall mean a plan that shows the existing and planned improvements for a Municipal Public-Use Airport and serves as a "Development Plan".

\*\*\*

Essential services See Sec 20-95.

\*\*\*

Municipal Public-Use Airport shall mean a municipally owned airport, licensed by the state, which is open for use by the public.

\*\*\*

Private-Use Airport means a privately-owned airport, not open to the public, or operated for public benefit.

**Section 6. 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 7. 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 8. 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 DAY OF 28<sup>th</sup> DAY of APRIL 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



# DeSoto County

3/3/2026

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Item #: 9.

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- 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 / DCIP Commercial Data Processing Facility rezone (RZNE-0077-2025)**

**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 before the DeSoto County Board of County Commissioners, is an Official Zoning District Atlas Amendment application (Rezoning) (RZNE - 0077-2025) filed by Kerri J. Burns of SWCA, Inc., on behalf of the Applicant, Desoto County Industrial Park, LLC, to rezone a 34.22 acre parcel. The applicant is requesting approval of the proposed Planned Unit Development (PUD) zoning district to allow a 35,134 SF data center facility and office with a Floor Area Ratio (FAR) not to exceed 0.7, as more particularly reflected in the Concept Development Plan.

The property is located in central DeSoto County, on the north side of NE Roan Street, approximately 2 miles east of Turner Avenue with a property address of 3800 NE Roan Street.

**BACKGROUND:**

The General Development Order Application states the request is to amend the Official Zoning District Atlas by changing the zoning district for 34.22 acres from Agricultural - 5 (A-5) Zoning District to Planned Unit Development (PUD) to allow a 35,134 SF data center facility and office with an FAR not to exceed 0.7 and associated infrastructure with a Concept Development Plan. The site was previously used as an electric generating facility, with operations ceasing in 2017. The 11,526 SF office building/storage has remained operational since the facility was constructed between 2001 and 2002. Remnant

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**ITEM #: 9.**

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and functional infrastructure remains on the Property, including a 1.3-million-gallon water aboveground storage tank (AST), a 1.5-million-gallon diesel fuel AST with associated unloading station, a 750-thousand-gallon raw water AST, three (3) water wells, two (2) intact exhaust stacks, two (2) transformers, a fire pump house, septic system, Florida Gas Transmission (FGT) gas conditioning station metering/heating station, as well as the existing office building and 15 parking spaces.

The Interim 2040 Future Land Use Map shows the property is designated as Rural/Agricultural. Future Land Use Element Objective 1.3 defines the Rural/Agricultural category. The PUD Concept Development Plan shows the existing office building, proposed data center, stormwater, parking, accessory uses (such as water tanks and electric generation equipment) as well as wetlands and buffers. The proposed Concept Development Plan indicates the project will meet the minimum required 25% open space, with 8.68 acres (25.37%) of impervious proposed and 25.54 acres (74.63%) of pervious proposed.

The applicant has coordinated with the DeSoto County Economic Development Department, proposing 25 full time employees, and taking part in the County's rapid response project program.



*DESOTO COUNTY DEVELOPMENT DEPARTMENT  
STAFF REPORT*

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**CASE #:** RZNE-0077-2025 **Rapid Response**

**REQUEST:** Rezone from Agricultural - 5 (A-5) to PUD (Planned Unit Development)

**PROPERTY OWNER:** Desoto County Industrial Park, LLC  
40906 US Hwy 72  
Davenport, Florida 33837

**APPLICANT:** Kerri J. Burns, SWCA, Inc.  
401 E Jackson Street, Suite 3300  
Tampa, Florida 33602

**PROPERTY ID:** 28-37-25-0000-0031-0000

**PROPERTY ADDRESS:** 3800 NE Roan Street

**TOTAL PARCEL SIZE:** 34.22 Acres

**ZONING DISTRICT:** A-5 (Agricultural - 5)

**FUTURE LAND USE MAP DESIGNATION:** Rural/Agricultural

**OVERLAY DISTRICTS:** Conservation Overlay District

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**DEVELOPMENT REVIEW REPORT**

The request before the DeSoto County Board of County Commissioners, is an Official Zoning District Atlas Amendment application (Rezoning) (RZNE – 0077-2025) filed by Kerri J. Burns of SWCA, Inc., on behalf of the Applicant, Desoto County Industrial Park, LLC, to rezone a 34.22 acre parcel. The applicant is requesting approval of the proposed Planned Unit Development (PUD) zoning district to allow a 35,134 SF data center facility and office with a Floor Area Ratio (FAR) not to exceed 0.7, as more particularly reflected in the Concept Development Plan.

The property is located in central DeSoto County, on the north side of NE

Roan Street, approximately 2 miles east of Turner Avenue with a property address of 3800 NE Roan Street.

The DeSoto County Land Development Regulations (LDR) 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.

## **I. BACKGROUND**

The General Development Order Application states the request is to amend the Official Zoning District Atlas by changing the zoning district for 34.22 acres from Agricultural - 5 (A-5) Zoning District to Planned Unit Development (PUD) to allow a 35,134 SF data center facility and office with an FAR not to exceed 0.7 and associated infrastructure with a Concept Development Plan. The site was previously used as an electric generating facility, with operations ceasing in 2017. The 11,526 SF office building/storage has remained operational since the facility was constructed between 2001 and 2002. Remnant and functional infrastructure remains on the Property, including a 1.3-million-gallon water aboveground storage tank (AST), a 1.5-million-gallon diesel fuel AST with associated unloading station, a 750-thousand-gallon raw water AST, three (3) water wells, two (2) intact exhaust stacks, two (2) transformers, a fire pump house, septic system, Florida Gas Transmission (FGT) gas conditioning station metering/heating station, as well as the existing office building and 15 parking spaces.

The Interim 2040 Future Land Use Map shows the property is designated as Rural/Agricultural. Future Land Use Element Objective 1.3 defines the Rural/Agricultural category. The PUD Concept Development Plan shows the existing office building, proposed data center, stormwater, parking, accessory uses (such as water tanks and electric generation equipment) as well as wetlands and buffers. The proposed Concept Development Plan indicates the project will meet the minimum required 25% open space, with 8.68 acres (25.37%) of impervious proposed and 25.54 acres (74.63%) of pervious proposed.

The applicant has coordinated with the DeSoto County Economic

Development Department, proposing 25 full time employees, and taking part in the County’s rapid response project program.

## **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, DESOTO COUNTY INDUSTRIAL PARK, LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0077-2025) BY CHANGING THE ZONING DISTRICT OF 34.22 ACRES FROM AGRICULTURAL - 5 (A-5) TO PLANNED UNIT DEVELOPMENT (PUD) WITH A CONCEPT DEVELOPMENT PLAN FOR A 35,134 SQUARE FOOT DATA CENTER FACILITY AND OFFICE ON PROPERTY LOCATED IN CENTRAL DESOTO COUNTY AT 3800 NE ROAN STREET, THE PROPERTY IDENTIFICATION NUMBER BEING 28-37-25-0000-0031-0000 AND PROVIDING FOR AN EFFECTIVE DATE.**

## **III. 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. Application requirements.** LDR Section 20-1496 establishes two prerequisites for the filing of an Official Zoning District Atlas amendment as shown below.

1. Initiation. LDR Section 20-1496(a) restricts the persons who may initiate an Official Zoning District Atlas Amendment to the following:
  - Board of County Commissioners;
  - Planning Commission;
  - Board of Adjustment;
  - Any other department of agency of the County; or
  - Any person other than those listed above; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he does not own. The name of the owner shall appear on each application.

*Consistency analysis: The Planning Director finds that on September 17, 2025, a General Development Order application and an Official Zoning District Atlas Amendment application (RZNE-0077-2025) and fee were filed with the Development Department. The Planning Director finds the General Development Order Application was executed by Kerri J. Burns as authorized agent for the owner. Based on the above findings, it is concluded the application can be found in **conformance** with this requirement.*

2. Filing requirements. LDR Section 20-1496(b) provides that all proposals for zoning amendments shall be submitted in writing to the Development Department, accompanied by all pertinent information required by the LDR and the application along with payment of the application fee.

*Consistency analysis: The written General Development Order Application and Official Zoning District Atlas Amendment Development Order Application Form and fees were filed with the Development Department on September 17, 2025.*

*Based on the above findings, the Planning Director concludes the application can be found in **conformance** with the filing requirements in LDR Section 20-1496(b) for rezoning.*

**B. The Planning Director review.** LDR Section 20-1497 addresses the Planning Director review.

1. Section 20-1497(a) provides that upon receipt of an application, the Planning Director shall determine whether the application is complete. If the application is complete, it will be accepted for review. If the application is incomplete, the Planning Director shall specify in writing the additional information required in order for the application to be processed. No further action shall be taken on the application until the additional information is submitted and determined to be complete.

*Consistency analysis: The Planning Director provided notice that the rezone application was deemed complete on September 29, 2025. The Planning Director finds that the Planning & Zoning Division of the Development Department processed the application in **conformance** with LDR Section 20-1497(a).*

2. Section 20-1497(b) provides that after receipt of a complete application, the Planning Director shall distribute the application for review by the Development Review Committee (DRC).

*Consistency analysis: The Planning Director finds the application package was distributed to DRC members after each filing. Thus, the Planning Director finds the Planning & Zoning Division of the Development Department has processed the application in **conformance** with the requirements of LDR Section 20-1497(b).*

3. Section 20-1497(c) provides that upon completion of review, the Development Department shall prepare a staff report and

schedule review of the application at a public hearing by the Planning Commission.

*Consistency analysis: The Development Review Report was provided to the authorized agent for review and comment. Thus, the Planning Director finds the Planning & Zoning Division of the Development Department has processed the application in **conformance** with LDR Section 20-1497(c).*

**C. 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.

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 F** and finds and concludes the following.*

*The subject property is currently developed with an existing office building and was formerly utilized as an electrical generating facility. The property is adjacent to pastureland on all sides, with an FPL substation located adjacent to the south.*

*The subject property is designated Rural/Agricultural on the Future Land Use Map. Policy 1.3.4 allows the rezoning of lands to industrial within the Rural/Agricultural category, when permitted by the Board of County Commissioners in conjunction with approval for a Planned Unit Development (PUD). The proposed use is considered an Industrial use and will be required to be consistent with the standards established in the DeSoto County Comprehensive Plan Policy 1.3.4. Under this policy, the project is required to have a minimum of 10 acres; shall be*

*appropriately buffered from agricultural and residential zoning districts and uses; a maximum Floor Area Ratio (FAR) of 0.7; shall receive sit plan approval; and shall exclude electrical generating facilities (power plants). The applicant is requesting a rezoning of the subject property from the existing A-5 zoning to PUD, providing for an optional alternative zoning procedure so that planned developments may be instituted at appropriate locations in the County.*

*The site, with existing A-5 zoning, is proposing a PUD rezone to allow for the construction and operation of a Computer Data Processing Facility in accordance with Policy 1.3.4. The PUD Concept Development Plan is proposing constructing a 25,278 SF data center building on the 34.22-acre property not to exceed an FAR of 0.7.*

*Approximately 14% of the site contains wetlands and surface waters, identified in the April 2025 Ecological Assessment by SWCA. Any impacts to jurisdictional wetlands associated with development of the Site will require submittal of an Environmental Resource Permit (ERP) application [Form 62-330.060(1)] to the Florida Department of Environmental Protection (FDEP) and potentially a Section 404 permit application to the US Army Corps of Engineers (USACE) for state and federal authorization, respectively. Although development of the Site may be designed to avoid any wetland impacts, a stormwater management system will likely be required, therefore an Individual ERP application would be necessary. If <0.5 acre of impact to Section 404-jurisdictional wetlands are proposed, development of the Site may be designed in accordance with the criteria for a USACE Nationwide Permit. If development of the Site results in unavoidable wetland impacts, the Site is within the Peace River drainage basin and the service area of six wetland mitigation banks, Peace River, Tippen Bay, Horse Creek, Boran Ranch Phase 1, Boran Ranch Phase 2, and Long Island Marsh.*

*The proposed development is outside of the County's service area and onsite utilities will provide potable water and sanitary sewer.*

*Based on the above, it is concluded that the rezoning application can be found in **conformance** with the Comprehensive Plan.*

## **2. The existing land use pattern.**

*Consistency analysis: The subject property is in north central DeSoto County on NE Roan Street approximately 2 miles east of Turner Avenue, known as 3800 NE Roan Street. The subject property was previously owned by DeSoto County Plant LLC with a natural gas-fired electric generating facility. The facility was constructed between 2001 and 2002 and operated until the electric generation equipment reportedly stopped in 2015. Dismantling and removal of the electric generating equipment was conducted in 2017. Remnant and functional infrastructure remains on the Property, including a 1.3-million-gallon water aboveground storage tank (AST), a 1.5-million-gallon diesel fuel AST with associated unloading station, a 750-thousand-gallon raw water AST, three (3) water wells, two (2) intact exhaust stacks, two (2) transformers, a fire pump house, septic system, Florida Gas Transmission (FGT) gas conditioning station metering/heating station, and 11,526 SF Office/storage building, inclusive of a control room, warehouse, and fifteen (15) employee and visitor parking spaces. The office/storage building has remained operational since the Facility was constructed.*

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

Table 1 Use Compatibility Analysis			
Adjacent Parcel	Zoning	FLU	Use
North	A-5	Rural/Agricultural	Pastureland
East	A-5	Rural/Agricultural	Pastureland
South– and across NE Roan St	A-5	Rural/Agricultural	Utilities (FPL), Pastureland
West	A-5	Rural/Agricultural	Pastureland

*Table 1 shows the existing land use pattern. The surrounding properties are all in the Rural / Agricultural Future Land Use Category. The subject property is surrounded by pastureland and FPL related utilities to the south.*

*Based on the above, it is concluded the application can be found **not in conformance** with this factor as the rezoning would constitute a single PUD zoning district with industrial uses amongst adjoining A-5 zoning districts.*

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

*Consistency analysis: The subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized facility. It does create an isolated district with PUD zoning involving an industrial use.*

*Based on the above findings, it is concluded the application can be found **not in conformance** with this factor as the PUD zoning district involving industrial uses is isolated and unrelated to adjacent and nearby districts.*

- 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: DeSoto County reviews development to ensure projects are subject to minimum criteria for public facilities requiring a concurrency review that do not result in 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.*

*The project is a proposed Planned Unit Development (PUD) District for an industrial use, which requires a concept development plan with the Zoning Atlas Amendment. The concept development plan provides a supportive report as required by Sec. 20-144(g)(2).*

*The project is not located within DeSoto County's utility service area and is non-residential, so it does not rely on residential support uses.*

*A traffic statement was provided with the PUD rezone application. Given the proposed Computer Data Processing Facility use, traffic is expected to be minimal as these facilities have very low trip generation rates. Access to the site is proposed on NE Roan Street.*

*The site is in proximity to DeSoto County Fire Station #1, approximately 3.8 miles to the west.*

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

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

*Consistency analysis: The subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized facility. It does not create an isolated district as an industrial use was previously located on the subject property.*

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

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

*Consistency analysis: The subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized facility. It does not create an isolated district as an industrial use was previously located on the subject property.*

*The zoning amendment is necessary for the project based on the proposed use and the request to rezone to PUD.*

*Future development applications must conform to all required Federal, State, and County permitting requirements. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

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

*Consistency analysis: The subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized facility. It does not create an isolated district as an industrial use was previously located on the subject property.*

*The zoning amendment is necessary for the project based on the industrial use within the Rural/Agricultural category, only when permitted by the Board of County Commissioners. Any Industrial use shall be buffered and spaced appropriately to minimize potential impacts on adjacent agricultural and residential uses.*

***Table 1** shows the existing land use pattern. The surrounding properties are all in the Rural / Agricultural Future Land Use Category. The subject property is surrounded by pastureland and FPL related utilities to the south.*

*The Site will operate 24/7/365 and will require up to 25 full-time employees that will work in a three-shift rotation, with tenants visiting the site, along with periodic site/ground maintenance. Traffic from Computer Data Processing Facilities is minimal, in comparison to other industrial uses.*

*Future development applications must conform to all required Federal, State, and County permitting requirements. 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 provided with the PUD rezone application. Given the proposed use, traffic is expected*

*to be minimal. The ITE Trip Generation rates for these facilities are very low.*

*The Property has direct access to NE Roan Street with additional collector and arterial roadways available within proximity. The existing site layout includes an existing 60-foot access corridor from NE Roan Street with a 24-foot-wide driveway. Perimeter and internal pathways provide access throughout the Property, which will be re-allocated under the Project. The access will accommodate service vehicles without disrupting adjacent agricultural or residential traffic patterns.*

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

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

*Consistency analysis: The proposed PUD shows proposed stormwater areas on the Concept Development Plan. The FEMA flood maps for this area are numbers 12027C0185C effective on 11/06/2013. Based upon the flood maps, the site is mostly located in Flood Zone X, with portions of the site in Zone A, which are existing wetland and retention areas. Stormwater will be maintained on-site and directed to retention ponds. The stormwater will be properly treated and attenuated per the State requirements prior to discharge. An environmental resource permit from SWFWMD is required with the Improvement Plan.*

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

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

*Consistency analysis: The reduction of light and air to the*

*adjacent areas is a function of total development vs. open space, building height, and building setbacks.*

*Based upon the site design and location, the project will not reduce light and air to the adjacent area.*

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

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

*Consistency analysis: The project is a redevelopment of an existing industrial site located on NE Roan Street, a local roadway. For an industrial facility, these are generally more benign uses that generate limited traffic trips and noise.*

*Therefore, the proposed change in zoning should not adversely affect property values in the immediate area. Based on the above findings, it is concluded the application can be found 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: With the PUD established standards for setbacks and LDR required open space, the proposed change should not be a deterrent to the improvement or development of adjacent property. The subject property is in an undeveloped area and the redevelopment of an older industrial site. Based on the above findings, it is concluded the application can be found 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 Comprehensive Plan expressly permits this type of industrial uses if it meets all standards and criteria in the Rural / Agricultural Future Land Use Category. Standards in the PUD zoning district have criteria to minimize impacts to adjacent uses. It can be found that the proposed change does not grant a special privilege to an individual owner as contrasted to the public welfare for the proposed PUD.*

*The public's health, safety, and welfare have been considered and the change in zoning can be found in **conformance** with this factor.*

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

*Consistency analysis: The zoning amendment is necessary for the project based on the industrial use and the request to rezone the subject parcel to PUD as may be allowed within the Rural/Agricultural category, only when permitted by the Board of County Commissioners.*

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

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

*Consistency analysis: The subject parcel is in an undeveloped area, bringing a new use to an existing and unutilized industrial facility. It is not out of scale as an industrial use was previously located on the subject property. It can be found that the*

*proposed rezone to PUD will allow for development at an appropriate scale, consistent with the surrounding development trends which are limited in the area. Furthermore, the required landscape buffers will help to mitigate the size appearance of the any buildings and site improvements.*

*Overall, the request for the PUD district and concept development plan are consistent with the Goals, Objectives, and Policies of the DeSoto County Comprehensive Plan. Based on the above findings, it is concluded the application can be found in **conformance** with this factor.*

***In summary, the Planning Director finds that the application can be found in conformance with the Comprehensive Plan and the 13 of the 15 factors found in LDR Section 20-1498(a) provided recommended conditions are imposed.***

**D. Planned Unit Development District - General Requirements and Limitations.** LDR Section 20-144(e) requires the following general requirements and limitations shall apply in PUD districts approved under the terms and provisions of these regulations.

- (1) Unified control. All land included for purpose of development within PUD district shall be owned or under the control of the applicant for such zoning designation, whether that applicant be an individual, partnership or corporation, or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed development. The applicant shall:
  - a. Agree to be bound by:
    1. The concept development plan officially adopted as the PUD district; and
    2. Such other conditions or modifications as may be attached to the rezoning of land to the PUD classification.
  - b. Provide agreements, contracts, deed restrictions or sureties acceptable to the County for completion of undertaking in

accordance with the adopted concept development plan as well as for the continuous operation and maintenance of such areas, functions and facilities that are not to be provided, operated or maintained at general public expense, and

- (2) All conditions shall run with the land.

*Consistency analysis: The Planning Director concludes that these general requirements will apply if and when the PUD zoning district application, including the Concept Development Plan is approved. Any required documentation required by this requirement shall be imposed during the Improvement Plan review and approval process. Thus, the Planning Director concludes this factor is premature and does not apply until the time the PUD and Concept Development Plan is approved. Thus, this factor is **not applicable**.*

**E. Planned Unit Development District Specific Requirements.** LDR Section 20-144(f) requires a PUD comply with 13 other requirements.

1. Location: PUD districts shall be located so as to maintain adopted level of service on all impacted public rights-of-way.

*Consistency analysis: A traffic study was provided with the PUD rezone application. Given the proposed use, traffic is expected to be minimal. The ITE Trip Generation rates for these facilities are very low.*

*The Property has direct access to NE Roan Street with additional collector and arterial roadways available within proximity. The existing site layout includes an existing 60-foot access corridor from NE Roan Street with a 24-foot-wide driveway. Perimeter and internal pathways provide access throughout the Property, which will be re-allocated under the Project. The access will accommodate service vehicles without disrupting adjacent agricultural or residential traffic patterns.*

*Thus, it is concluded the application can be found in **conformance** with this factor.*

2. Minimum Area Required: The minimum area required for a planned unit development district containing only residential uses shall be 5 acres; containing only commercial or industrial uses shall be 2 acres, and containing a mix of residential, commercial or industrial uses shall be 5 acres.

*Consistency analysis: The Planning Director finds the PUD consist of 34.22 acres and is intended for industrial use. Therefore, the application can be found in **conformance** with this factor.*

3. Character of the Site: The condition of soil, ground water level, drainage and topography shall all be appropriate to both kind and pattern of use or uses intended. The site shall also contain sufficient width and depth to adequately accommodate its proposed use and design.

*Consistency analysis: The Project will be a secure facility and will be designed to avoid and/or minimize adverse effects on natural, environmental, and cultural resources. The Project will utilize, to the greatest extent practicable, existing on-site utility provisions (e.g., well water, septic sanitary sewage, storage tanks, fire suppression, parking/loading areas), existing access, existing landscape buffers, and existing stormwater management provisions.*

*Site design and facility layout have incorporated provisions similar to requirements under the A-5 zoning district, with setback – buffering – visual – noise abatement similar to Industrial and Utility design standards. The request to rezone the property has been presented in accordance with the Comprehensive Plan and the LDRs, therefore demonstrating compliance with this provision.*

*Based on the above, it is concluded the site can be found to be suitable for industrial development subject to future site plan and permitting by other agencies. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

4. Uses Permitted: An applicant may propose any use or combination of uses within a proposed PUD subject to the minimum area requirements contained herein.

*Consistency analysis: The proposed improvements to the existing site include a Computer Data Processing Facility, which is an industrial use. The request to rezone the property and the project has been presented in accordance with the Comprehensive Plan, and the LDRs, therefore demonstrating compliance with this provision. Thus, the Planning Director concludes the application can be found in **conformance** with this factor.*

5. Density: The overall, gross density of the proposed PUD Concept Development Plan shall be calculated by dividing the total number of units proposed by the gross acreage of the PUD. In no event shall the gross density exceed the maximum density permitted by the Comprehensive Plan. In the event of multiple Future Land Use Map categories, no project may be authorized to utilize density averaging or blending techniques.

*Consistency analysis: The project is a non-residential industrial use and not subject to a density evaluation. However, the project will include use of the existing 11,526 SF office/storage building, introduce (approximately) 48,000 square feet of Data Center building(s), and include outdoor equipment and infrastructure provisions. The proposed improvements will comply with gross intensity provisions (0.7 FAR maximum) and maximum impervious surface area ratio (70%) Thus, the Planning Director concludes the application can be found in **conformance** with this factor.*

6. Minimum Open Space: Planned Unit Developments shall set aside at least 25% of the gross area as usable open space. Usable open space shall include active and passive recreation areas such as playgrounds, golf courses, water frontage, waterways, lagoons, flood plains, nature trails and other similar open spaces. Open water area beyond the perimeter of the site and street rights-of-way, driveways, off-street parking areas and off-street loading

areas, or private yards shall not be counted in determining usable open space. In addition, not more than 25 percent of any stormwater management area shall count toward meeting the usable open space standard.

*Consistency analysis: The project is a non-residential, industrial use, so public recreation is not applicable. The PUD Concept Development Plan appears to be consistent with the open space requirements. However, this calculation will be required with the Improvement Plan. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

7. Minimum Lot Area and Frontage Requirements within a PUD: No minimum lot size or yards shall be required within a PUD, except that peripheral yards abutting the exterior limits of the PUD boundary (except for boundaries limited in or by water) shall observe yard requirements in accordance with the zoning classification the use most closely resembles. Every dwelling unit or other use must be served directly or via an approved private road, pedestrian way, court, or other area dedicated to public use or reserved for private use, or common element guaranteeing access. Permitted uses are not required to front on a publicly dedicated road or street.

*Consistency analysis: The Concept Development Plan shows the proposed setbacks for the Computer Data Processing Facility are consistent with the setbacks for the A-5 district (existing zoning of the site). A 50' front setback, 30' side setback, and 50' rear setback. The site is flag lot shape, with frontage and access from NE Roan St. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

8. Off-Street Parking and Off-Street Loading Requirements: Off-street parking and off-street loading requirements shall be as for comparable uses set out in the Land Development Regulations. Shared parking facilities may be approved as part of the request upon review of an acceptable alternative parking strategy study.

*Consistency analysis: The Concept Development Plan shows the location of the proposed parking and loading areas. The Land Development Regulations do not address parking and loading for Computer Data facility uses specifically. The 11,526 SF one-story office/storage building is equipped with a control room, warehouse, utility provisions (i.e., potable water and septic facilities), and 15 employee and visitor parking spaces, and additional parking will be provided based on the square footage of the new Data Center Building(s). A condition is recommended to provide parking based upon the required 1 space per 1,000 SF required for industrial uses consistent with Sec. 20-537 of the LDRs with the Improvement Plan or deviation from code requested with the Improvement Plan.*

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

9. Development Planning - External Relationships: Development planning within a PUD district shall provide protection of the development from adverse surrounding influences and protection of surrounding areas from adverse influences generated by or within the district.
  - a. Principal vehicular access points shall be designed to encourage smooth traffic flow and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy traffic flows indicate need. Where streets within the district intersect adjoining streets, appropriate visibility triangles shall be maintained.

*Consistency analysis: A traffic study was provided with the PUD rezone application. Given the proposed use, traffic is expected to be minimal. The ITE Trip Generation rates for these facilities are very low.*

*The Property has direct access to NE Roan Street with additional collector and arterial roadways available within proximity. The existing site layout includes an existing 60-foot access corridor from NE Roan Street with a 24-foot-wide driveway. Perimeter and internal pathways provide access throughout the Property, which will be re-allocated under the Project. The access will accommodate service vehicles without disrupting adjacent agricultural or residential traffic patterns. Based on the above, it is concluded the application can be found in **conformance** with this factor.*

- b. Fences, walls or vegetative screening at edges of PUD districts shall be provided where needed to protect residents from lighting, noise or other adverse off-site influences, or to protect residents of adjoining districts from similar possible influences from within the PUD district. In all cases, screening shall, at a minimum, be designed to protect existing or potential first-floor residential occupant window levels. In particular, off-street parking areas for five (5) or more cars, service areas for loading or unloading vehicles other than passengers, and areas for storage and collection of trash and garbage shall be so screened.

*Consistency analysis: The Project plans to maintain the existing Type B buffer, 55-foot vegetative buffer on the NE Roan Street frontage and the 30-foot planted side buffers that consist of 2.4 trees, 9.6 shrubs per 100 linear feet which shall be illustrated on the Improvement Plan. Based on the above findings, it is concluded the application can be found in **conformance** with this factor.*

10. Phasing of Development

- a. It is the intent of DeSoto County that to the extent possible, each approved PUD development be carried through to completion in essentially the form in which

it is approved at the Concept Development Plan level. Therefore, each phase of the development will be expected to adhere closely to the design principals of the Concept Development Plan. However, the County recognizes as a practical matter, that the long term nature of the proposed buildout of the PUD will likely justify changes based on changing economic or other factors. Therefore, provision is made for the submission of individual phases or sub units of the entire PUD. All such phases shall, in their timing, nature, intensity and location, be determined to be consistent with the larger PUD and to contribute to its completion in a unified fashion. Where such consistency is not feasible, it is assumed that the overall PUD Concept Development Plan will be modified to reflect changed conditions or factors.

- b. These phases shall be so located and related that should for any reason the full PUD not be developed, the completed portion will be self-contained.
- c. If the PUD is to be phased and more than one (1) final plat is required, successive plats must be filed so that development activity shall be of a reasonable continuous nature, and shall adhere to the following:
  - 1. All public service facilities, major recreation facility or facilities, including open space, parks, nature areas or environmentally sensitive areas to serve the designated phase shall be platted prior to the platting of more than the first twenty-five (25%) percent of the total permitted dwelling units or recreational vehicles. The above may be accomplished by phases. As each phase is approved, the public service facilities, recreation and

environmentally sensitive areas within the proposed phase shall be dedicated to such public or private entity for such use.

*Consistency analysis: The proposed PUD is a non-residential use, so no platting is required. The Concept Plan indicates a future data center expansion area. A condition is recommended that any future expansion will be required to amend this Concept Plan and provide another Improvement Plan meeting all County and State requirements. This factor **is applicable**.*

2. Internal commercial areas shall not be platted prior to, but may be platted concurrent with, the platting of at least 25 percent of the total permitted dwelling units or recreational vehicles.

*Consistency analysis: This factor **is not applicable**.*

3. After rezoning to PUD district, no plat or building permit shall be issued by the County, and no development shall commence unless in conformance with the approved concept development plan.

*Consistency analysis: This factor **is not applicable**.*

4. If no significant construction has begun or no use is established in the PUD within five years from the time of rezoning the site to PUD, the concept development plan shall lapse and be of no further effect. If a concept development plan lapses under the provisions of this section, the Board of County Commissioners

may initiate a petition to rezone the said PUD to an appropriate zoning classification. No rezoning petition may be initiated until the County has provided the applicant with notice of its intent to rezone and further provided a 60-day period during which the applicant may begin construction and thereby cure the lapse. The Board may extend the PUD for two years provided the applicant can show good cause why said development cannot proceed. There shall be no limit to the number of extensions that may be granted by the Board.

*Consistency analysis: This factor is not applicable to the analysis of the initial PUD rezone.*

5. After the original phase containing 25 percent of the total permitted dwelling units is approved and platted, subsequent phases containing areas of residential development shall not be approved for final plat until a minimum of 25 percent of the residential units have been developed and certificates of occupancy issued; provided, however, that the developer of the PUD shall be exempt from this provision if the developer:

- (i) Enters into a long term road and drainage maintenance agreement with the County; or
- (ii) Creates a community development district, special taxing district, property owners association or

other acceptable legal entity that will assume ownership and maintenance responsibility of the road and drainage system.

*Consistency analysis: The proposed PUD is a non-residential use, and this approval is for the Concept Plan and details shown. The Concept Plan indicates a future data center expansion area. A condition is recommended that any future expansion will be required to amend this Concept Plan and provide another Improvement Plan meeting all County and State requirements. This factor is **not applicable**.*

11. Preservation and Protection of Natural Historic or Archeological Features: Every effort shall be made in the planning and development of the PUD District to preserve and protect desirable natural, historic or archaeological features of the site, including trees and other vegetation of consequence. Preliminary evidence from the appropriate agency shall be submitted with the application indicating potential impacts or areas to consider for more detailed study.

*Consistency analysis: The Property was previously owned by DeSoto County Plant LLC with a natural gas-fired electric generating facility (Facility). The Facility was constructed between 2001 and 2002 and operated until the electric generation equipment reportedly stopped in 2015. Some dismantling and removal of equipment occurred, but there is existing significant developed infrastructure remaining.*

*Approximately 14% of the site contains wetlands and surface waters, identified in the April 2025 Ecological Assessment by SWCA. Any impacts to jurisdictional wetlands associated with development of the Site will require submittal of an Environmental Resource Permit (ERP) application [Form 62-330.060(1)] to the Florida Department of Environmental Protection (FDEP) and*

*potentially a Section 404 permit application to the US Army Corps of Engineers (USACE) for state and federal authorization, respectively. Although development of the Site may be designed to avoid any wetland impacts, a stormwater management system will likely be required, therefore an Individual ERP application would be necessary. If <0.5 acre of impact to Section 404-jurisdictional wetlands are proposed, development of the Site may be designed in accordance with the criteria for a USACE Nationwide Permit. If development of the Site results in unavoidable wetland impacts, the Site is within the Peace River drainage basin and the service area of six wetland mitigation banks, Peace River, Tippen Bay, Horse Creek, Boran Ranch Phase 1, Boran Ranch Phase 2, and Long Island Marsh. Based on the above findings, it is concluded the application can be found in **conformance** with this factor.*

12. Utilities: It is intended that within the developed portions of a PUD District, all utilities, including telephone, television cable and electrical systems shall be installed underground, within approved utility easements, except that:
- a. Appurtenances to these systems more than four (4') feet in height and two (2') feet in diameter must be effectively screened;
  - b. Main or feeder lines may require overhead installation based on environmental or technical problems
  - c. Primary facilities providing service to the site of development or necessary to service areas outside the development shall be exempt from this requirement; and
  - d. In cases of overhead main or feeder lines, service laterals from the point of connection shall be underground to the structure or dwelling

*Consistency analysis: The site is existing, and the following are the plans for related utilities:*

- *Power: Existing FPL electric service will remain for administrative facilities and standby provisions as a private generation facility.*

- *Water: Property has permitted access to three (3) existing water wells.*
- *Sewer: Property has permitted access to existing site septic system.*
- *Telecommunications: Broadband internet service and high-speed on-site communications are planned.*
- *Natural Gas: Property has existing connection to Florida Gas Transmission (FGT) terminal to remain in service, and the Property has an existing FGT utility easement.*

*As the project goes thru more detailed plan submittals, these requirements will be addressed. This factor is **not applicable** at this concept development plan review phase.*

13. Connectivity: All proposed development shall consider internal and external connectivity. Connectivity is intended to provide alternative routes between uses and neighborhoods, and in turn, reducing travel time. All applications shall provide at least a minimum:

- a. Sidewalks along both sides of all arterial and collector roads and a minimum of one side along all local roads located within and adjacent to the proposed development. Proper connections (i.e. handicap accessibility) at intersections shall be included.

*Consistency analysis: The site has limited frontage and there are no existing sidewalks on NE Roan St., a local street. This factor is **not applicable**.*

- b. Stub-outs to vacant land of similar development designation (future urban areas) shall be provided. Requests for waiver to this requirement may be considered based on agreements that internal roadways will remain private and portions of development are gated.

*Consistency analysis: The site is an existing industrial facility with security requirements and a gated entrance. No stub outs will be provided to adjacent properties. This factor is **not applicable**.*

- c. Internal connections between uses to allow proper internal traffic flow shall be required.

*Consistency analysis: The site is an existing industrial facility with security requirements and a gated entrance. No stub outs will be provided to adjacent properties. This factor is **not applicable**.*

**F. Planning Commission/Board review criteria.** LDR Subsection 20-144(h)(2) addresses the Concept Development Plan approval process and Paragraph 20-144(h)(2)2 requires Planning Commission review while Paragraph 20-144(2)(h)3 requires the Board of County Commission to consider the Concept Development Plan at a hearing and either grant approval or disapproval based on the same criteria used by the Planning Commission, these being whether the following criteria can be satisfied:

- 1. The proposed use or mix of uses is appropriate at the subject location.

*Consistency analysis: The subject property was previously owned by DeSoto County Plant LLC with a natural gas-fired electric generating facility. The facility was constructed between 2001 and 2002 and operated until the electric generation equipment reportedly stopped in 2015. Dismantling and removal of the electric generating equipment was conducted in 2017. Remnant and functional infrastructure remains on the Property.*

**Table 1** shows the existing land use pattern. The surrounding properties are all in the Rural / Agricultural Future Land Use

*Category. The subject property is surrounded by pastureland and FPL related utilities to the south.*

*Based upon the project meeting the requirements found in the Land Development Code as conditioned for setbacks, buffers, and open space, the proposed rezone and PUD Concept Development Plan mitigate any potential incompatibilities with the proposed use at this location. Based on the above findings, it is concluded the application can be found in **conformance** with this factor, with conditions.*

2. The recommended conditions to the concept development plan and other applicable regulations provide sufficient safeguards to the public interest.

*Consistency analysis: The proposed ordinance accompanying this Development Review Report recommends conditions which are intended to provide sufficient safeguards to protect the public interest. Thus, the application can be found in **conformance** with this requirement.*

3. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

*Consistency analysis: This Development Review Report documents why the conditions have been imposed and demonstrate that they are reasonably related to the impacts caused by the development in relation to the public interest. Thus, the application can be found in **conformance** with this requirement.*

## **G. Other PUD Regulations.**

1. LDR Section 20-144(i) is in regard to improvement plan approval.

*The Planning Director concludes this factor is **not applicable** to the rezoning application because a Concept Development Plan needs to be approved before an Improvement Plan can be submitted.*

**H. 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 LDR 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: The Planning Director finds that the Land Development Code provides specific height, bulk, setback, density, and other regulations for the PUD zoning district to ensure compatibility between uses. Applications for Planned Unit Development (PUD) provide the Board with the ability to attach conditions to a project for unique situations, items that are needed outside of the standard requirements of the LDR, sometimes needed to allow the project to fit into the built environment.*

*Future development must conform to all required Federal, State, and County permitting requirements.*

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 March 24, 2026, public hearing.*

**K. 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.

*The Planning Director caused written notice of the hearings to be mailed to all property owners within 1,000 ft and such notice is on file.*

#### **IV. ATTACHMENTS**

- Exhibit A: General Location Map
- Exhibit B: Interim 2040 Future Land Use Map (FLUM), Excerpt
- Exhibit C: Official Zoning District Atlas Amendment Development Order Application, Excerpt
- Exhibit D: Concept Development Plan
- Exhibit E: 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 Planning Director finds the subject property consists of a 34.22-acre site located in central DeSoto County, at 3800 NE Roan St, Arcadia, FL.
- B. The Planning Director finds the Interim 2040 Future Land Use Map shows the property is designated Rural /Agricultural.
- C. The Planning Director finds the Official Zoning District Atlas shows the property is currently zoned Agricultural - 5 (A-5).
- D. The Planning Director finds that on September 17, 2025 an Official Zoning District Atlas amendment application (RZNE-0077-2025) was filed by Kerri Burns, as authorized agent for the owner, which proposed to change the zoning district to Planned Unit Development (PUD).
- E. LDR Section 20-1345 requires the application be complete and in writing. The Planning 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 Planning Director finds the application was distributed to the DRC on October 14, 2025 and November 12, 2025.
- G. LDR Section 20-1496(b) requires the Planning Commission review the application at a public hearing and a duly noticed quasi-judicial Planning Commission public hearing, scheduled March 3, 2026.

- H. LDR Section 20-144(4)(2)3 requires that after the Planning Commission hearing, the application and staff report be forwarded to the Board for a public hearing. The application has been scheduled for the March 24, 2026, Board public hearing.
- I. 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 generally consistent with the Comprehensive Plan.
- J. LDR Division 7 establishes an adoption process, and the Planning Director concludes the application has been processed in conformance with the adoption process, as the application has been scheduled for Planning Commission and Board of County Commissioners public hearings.
- K. LDR Section 20-1498 also includes criteria that must be considered when reviewing the application. The Planning Director finds and concludes the application meets those requirements and can be approved by the Board of County Commissioners.
- L. The LDR establishes specific public notice requirements for an Official Zoning District Amendment Development Order Application. The Planning Director finds and concludes the application has been duly 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 OF PLANNING COMMISSION**

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 approval of the PUD rezone and concept development plan to the Board of County Commissioners, adoption the findings and conclusions contained herein, and adoption 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 denial of the proposed ordinance to the Board of County Commissioners.

## **VII. RECOMMENDED CONDITIONS FOR APPROVAL**

1. The applicant shall provide parking based upon the required 1 space per 1,000 SF required for industrial uses consistent with Sec. 20-537 of the LDRs with the Improvement Plan or a deviation from the LDRs can be requested with the Improvement Plan application.
2. The Concept Plan indicates a future data center expansion area. Any expansion will require Board approval of an amendment to the Concept Plan with a PUD application, subject to County and State requirements.
3. Any onsite power generation will not be a Florida Public Service Commission (FPSC) public electric utility and will not provide power to outside users, as more particularly set forth in Condition 8.
4. Landscape buffers shall be provided and illustrated on the Improvement Plan consistent with Division 6 of the LDRs to include Type B landscape buffering around perimeter of the existing chain link fenceline.
5. Solid waste collection shall be provided by County franchisee and the receptacles approved on the Improvement Plan.
6. Improvement Plan shall include all fire department requirements.
7. Detailed traffic, safety and operational analysis shall be approved with the Improvement Plan.
8. On-site electric generation:
  - A. Approval does not grant, convey, or imply any franchise, right, privilege, or authorization to provide electric utility service within the County. Any on-site electric generation and associated facilities shall

be limited solely to serving the Project on-site and shall not include the sale, transmission, wheeling, or distribution of electricity to any third party or across public rights-of-way.

B. All on-site electric generation facilities shall be designed, constructed, and operated in a manner that does not violate or impair the County's franchise agreement with Florida Power & Light Company (FPL).

C. In the event the County determines, after notice from FPL or otherwise, that the project's on-site electric generation or related facilities conflict with or violate the County's franchise obligations with FPL, the Owner shall, at its sole cost and expense:

- a. promptly cease operation of the non-compliant electric generation facilities;
- b. take all actions necessary to cure such conflict; and
- c. if required by the County, connect the project to the FPL franchised electric utility system for service.

D. The County makes no representation or warranty regarding the permissibility of on-site generation under the County/FPL franchise agreement or State law, and the Owner assumes all risk associated with the installation and operation of such facilities

## **VIII. MOTIONS FOR CONSIDERATION BY THE BOARD OF COUNTY COMMISSIONERS**

**A.** Approval: I move to adopt proposed Ordinance, (RZNE-0077-2025), approving the rezoning to PUD and Concept Development Plan, with conditions and enter into the record the Development Review Report, findings and conclusions, and all other competent and substantial evidence presented at the hearing.

**B.** Denial: I move to deny the proposed Ordinance and application for rezoning to PUD (RZNE-0077-2025) and enter into the record the Development Review Report, findings and conclusions, and all other competent and substantial evidence presented at the hearing.

**C.** Defer. Motion to enter into the record the Development Review

Report and all other evidence in the record, and defer the Ordinance for the Rezoning to PUD to a future hearing date of \_\_\_\_\_, 2026.

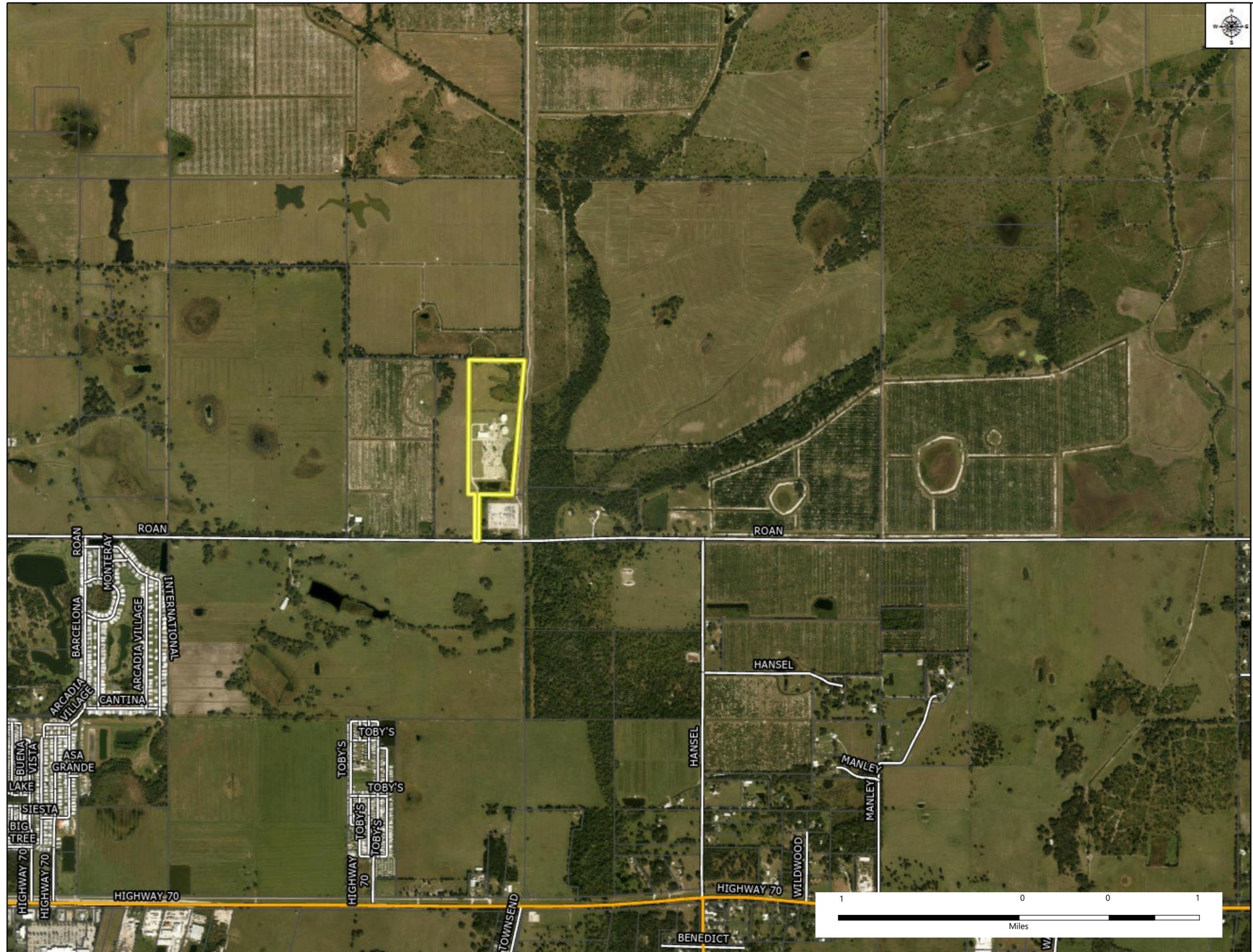
## **IX. PROCEDURAL HISTORY**

- A. Planning Commission Recommendation. The Planning Commission met on March 3, 2026, and recommended approval/denial by a vote of \_\_\_\_\_.
  
- B. Board action. The Board public hearing dates is tentatively scheduled for March 24, 2026, public hearing.

Location Map



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

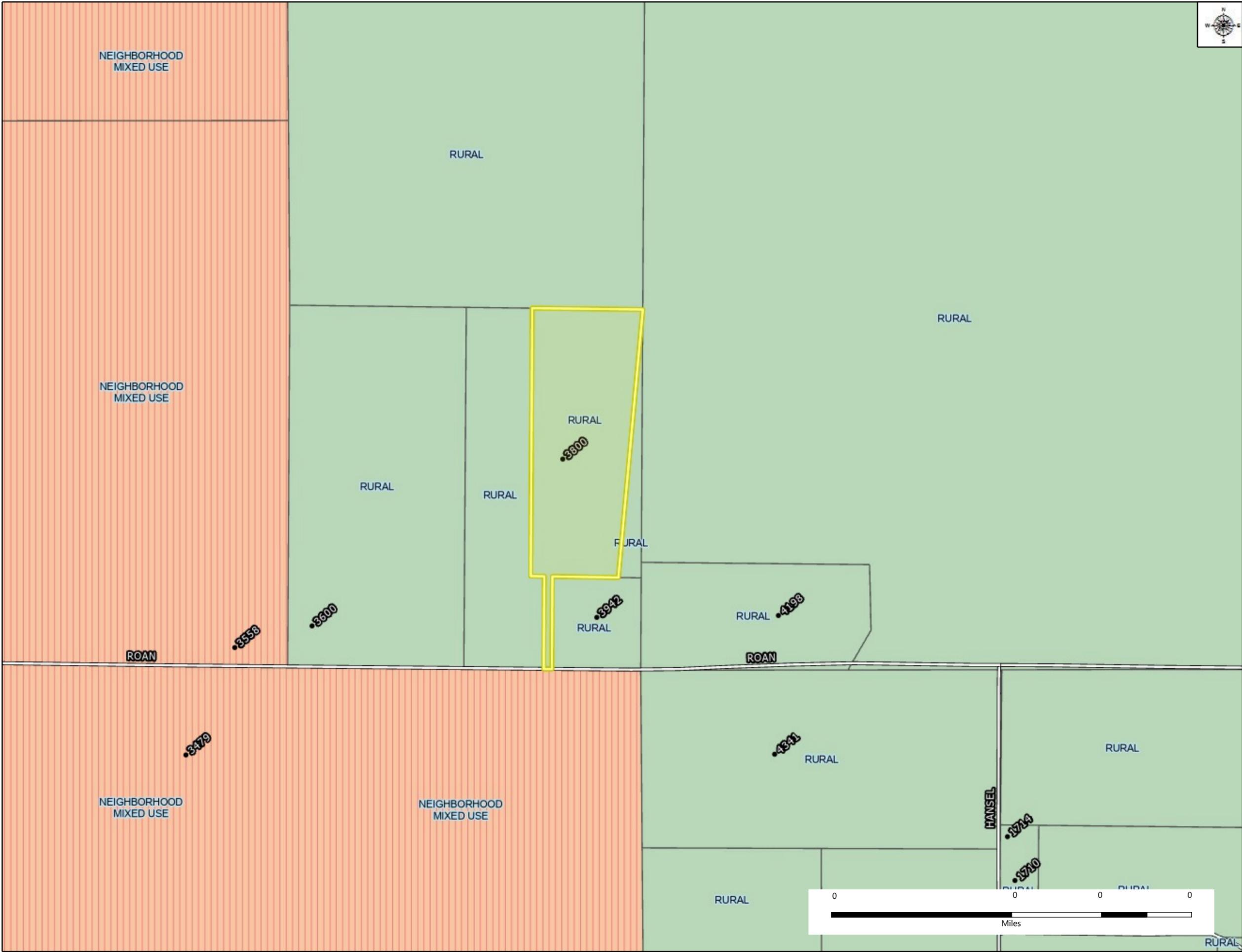


February 20, 2026

Prepared By



# FLU Map



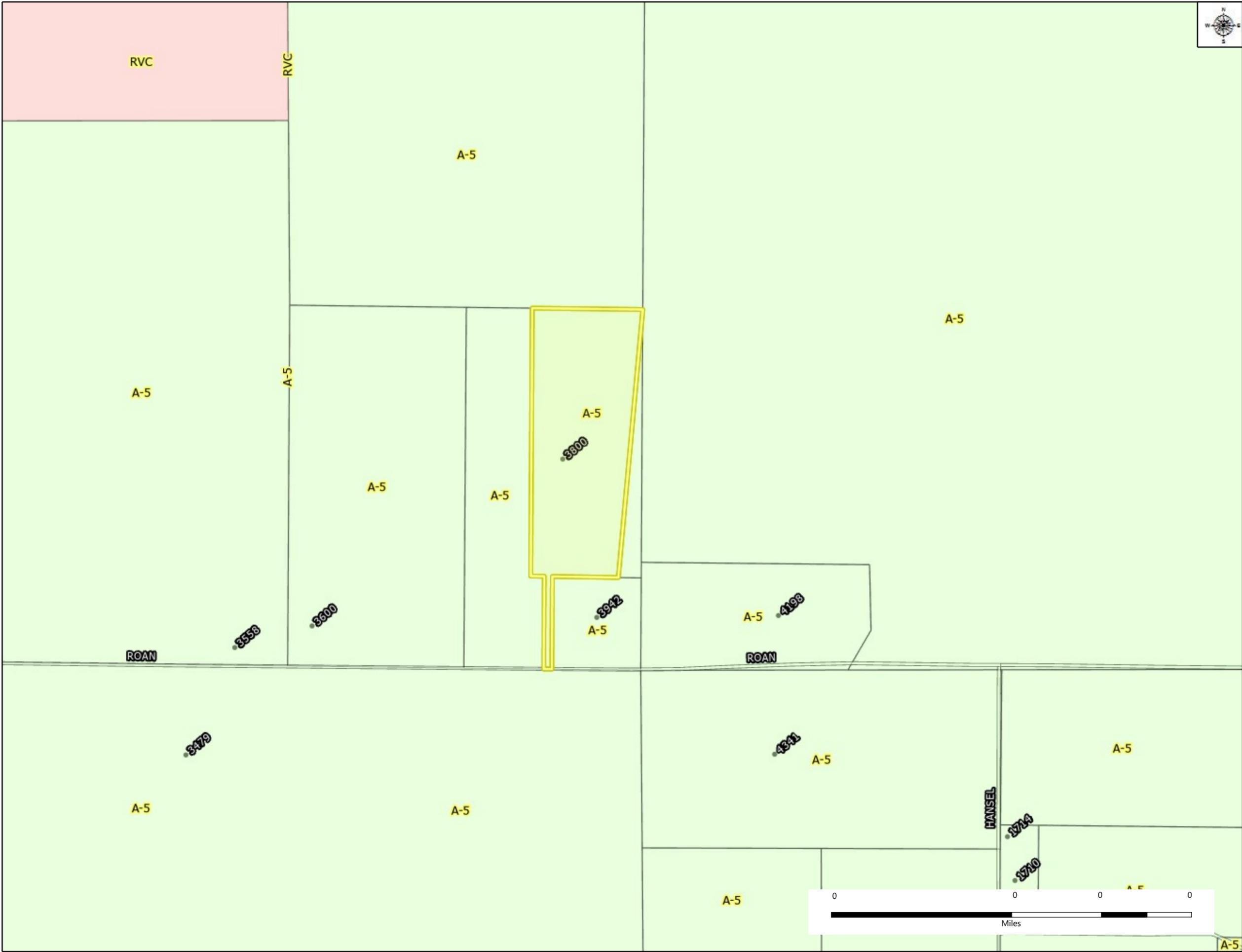
- Address Point Labels
- Street Labels
- Major Road Labels
- FLUM Labels
- County Boundary
- Address Points
- Major Roads
- Streets
- Parcels
- FLUM 2040
  - Preservation
  - Rural/Agriculture
  - Low Density Residential
  - Medium Density Residential
  - Neighborhood Mixed Use
  - Employment Center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

September 29, 2025



Prepared By  
**HORNER SHIFRIN**

# Zoning Map



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

September 29, 2025



Prepared By  
**HORNER SHIFRIN**

# REQUEST - REZONE TO PUD CONCEPT PLAN DESOTO COUNTY INDUSTRIAL PARK LLC (DCIP) DATA CENTER FACILITY SECTION 28, TOWNSHIP 27 SOUTH, RANGE 25 EAST 3800 NE ROAN ST., ACADIA

PREPARED BY:



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PREPARED FOR:  
DESOTO COUNTY INDUSTRIAL PARK LLC (DCIP)

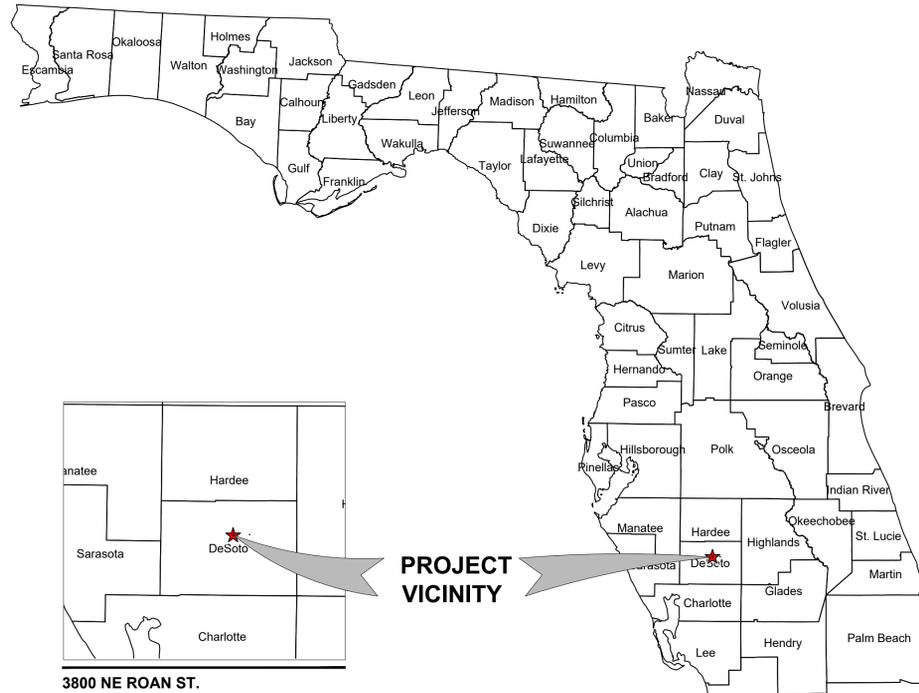


Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET
2	EXISTING CONDITIONS
3	SITE PLAN
4	DETAILS



**LOCATION MAP**

AERIAL IMAGERY TAKEN FROM ESRI AERIAL, 2025.



**PROJECT VICINITY**

3800 NE ROAN ST.

**GENERAL NOTES:**

- DCIP, A FLORIDA LIMITED LIABILITY COMPANY, ACQUIRED THE IDENTIFIED PROPERTY IN 2024. CONTINUES TO UTILIZE THE EXISTING OFFICE BUILDING, AND HAS PLANS TO CONSTRUCT AND OPERATE A COMPUTER DATA PROCESSING FACILITY (PROJECT). THE PROJECT WILL CONSIST OF A HIGHLY EFFICIENT SOPHISTICATED TECHNOLOGY THAT UTILIZES MICROGRID POWER GENERATION FOR USE WITHIN THE COMMERCIAL DATA CENTER. THE FACILITY WILL INTRODUCE 25 FULL-TIME JOBS AND WILL INCLUDE ROUTINE GROUND MAINTENANCE CONTRACTORS. THE PROJECT WILL BE A SECURED FACILITY, WHICH WILL BE DESIGNED TO AVOID AND/OR MINIMIZE ADVERSE EFFECTS ON NATURAL, ENVIRONMENTAL, AND CULTURAL RESOURCES, UTILIZING EXISTING ON-SITE UTILITY PROVISIONS, EXISTING ACCESS PROVISIONS, AND STORMWATER MANAGEMENT PROVISIONS. THE PROJECT WILL IMPLEMENT SETBACKS, NOISE, AND BUFFER/LANDSCAPING PROVISIONS TO PROVIDE ADEQUATE SEPARATION BETWEEN ADJACENT USES AND TO MEET REGULATED REQUIREMENTS TO PREVENT DISRUPTION TO NEIGHBORING USES OUTSIDE OF THE PROJECT BOUNDARY.
- ACCESS TO THE PROPERTY WILL BE PROVIDED FROM AN EXISTING DRIVEWAY OFF NE ROAN STREET. PARCEL MAINTAINS 60-FOOT ACCESS CORRIDOR, WITH A 24-FOOT PAVED DRIVEWAY.
- FACILITY WILL HAVE INTERIOR PATHWAYS, WITHIN THE SECURED PROPERTY, ALLOWING FOR UNFETTERED MOVEMENT FOR TRAFFIC FLOW AND PROVIDING SUFFICIENT ENTRY FOR EQUIPMENT.
- EMPLOYEE AND VISITOR PARKING IS CURRENTLY AVAILABLE ADJACENT TO THE EXISTING OFFICE BUILDING, AND ADDITIONAL PARKING WILL BE PROVIDED ADJACENT TO THE DATA CENTER BUILDING. PEDESTRIAN PATHWAYS WILL BE PROVIDED FOR SAFE AND CONVENIENT ACCESS.
- UTILITIES WILL BE PROVIDED ON-SITE (E.G., EXISTING WELL WATER AND SEPTIC) EXCEPT FOR TELEPHONE SERVICE AND NATURAL GAS FUEL. NATURAL GAS WILL BE PROVIDED BY AN UPGRADED FLORIDA GAS TRANSMISSION (FGT) FEEDER CONNECTION AND METERING STATION. EXISTING ELECTRIC SERVICE WILL BE MAINTAINED.
- PROJECT SECURITY WILL BE PROVIDED USING SECURED GATES AND PERIMETER FENCING.
- PROJECT WILL UTILIZE EXISTING LANDSCAPE BUFFERS OF A (TYPE B BUFFER) 55-FOOT PLANTED FRONT BUFFER, AND 30-FOOT PLANTED SIDE BUFFERS.
- SITE LIGHTING WILL BE LIMITED AND FOCUSED ON EQUIPMENT AND SITE SECURITY.
- EXISTING STORMWATER MANAGEMENT FACILITIES WILL BE UTILIZED, WITH APPLICABLE UPGRADES APPLIED BASED ON ADDITIONAL IMPERVIOUS AREAS.
- STATEMENT OF ACCURACY BY THE OWNER/APPLICANT ACKNOWLEDGING THAT MISREPRESENTATION OF THE SITE PLAN MAY RESULT IN THE CANCELLATION OF THE DEVELOPMENT PERMIT
- CONSTRUCTION IS ANTICIPATED TO START NO EARLIER THAN YEAR 2026.

**OWNER/DEVELOPER:**  
DESOTO COUNTY INDUSTRIAL PARK, LLC  
40906 US HIGHWAY 72  
DAVENPORT, FL 33837  
ATTN: KEVIN RATLIFF  
+1 (813) 538-0851  
KEVIN@ECOLOOPRECYCLING.US

**PERMITTING CONSULTANT:**  
SWCA INC.  
c/o KERRI J. BURNS  
401 EAST JACKSON ST.,  
STE 3300  
TAMPA, FL 33602  
Kerri.Burns@swca.com

**SURVEYOR:**  
30 SOUTH SURVEYING  
425 SOUTH FIRST AVENUE  
BARTOW, FL 33830  
ATTN: SHERRY KIRKLAND,  
PSM  
SKIRKLAND@30SOUTH.NET

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or visit  
www.call811.com



**DATUM:**

THE TOPOGRAPHIC DATA IS PROVIDED IN NAVD 88 (NORTH AMERICAN VERTICAL DATUM OF 1988) AND ARE BASED ON NATIONAL GEODETIC SURVEY (NGS) CONTROL MARK T 702 (PID DL3661), ELEVATION - 60.10 FEET.

**FOR PERMITTING REVIEW  
NOT FOR CONSTRUCTION**

PROJECT:  
DESOTO COUNTY INDUSTRIAL PARK (DCIP)  
3800 NE ROAN ST.  
ACADIA

TITLE:  
COVER SHEET

SEAL

CHECKED BY:	DATE	DESCRIPTION	DESIGNED BY:	DATE	DESCRIPTION	DRAWN BY:	DATE	DESCRIPTION
REV 0	2025/09/16	REZONE TO PUD CONCEPT PLAN	APPRY					
REV 1	2025/10/29	UPDATED POWER GEN UNITS	BTH/KJB					

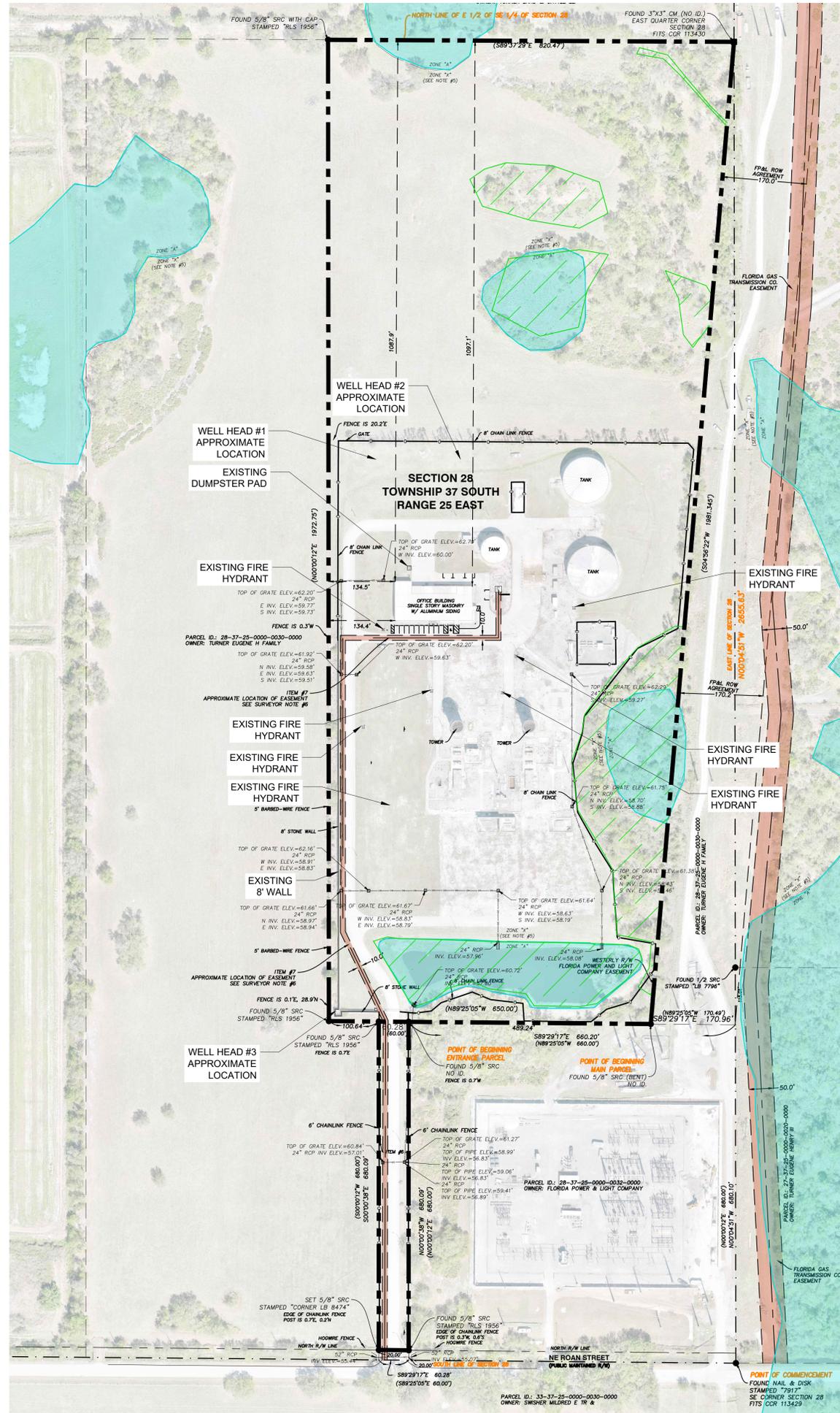
DATE: 2025/09/16

PROJECT #: 93201

SHEET **1**

Printed by: Nicholas Hisey - Sheet Set: Rhs - Layout: Existing Conditions - October 30, 2025 10:18:18 AM C:\Users\nicholas.hisey\OneDrive - SWCA\SWCA-REEDY's files - DCIP\CADD - PROJECTS\93201 - Desoto County Industrial Park\PRODUCTION\93201-402.dwg

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 or visit  
 www.callsunshine.com



**DESOTO COUNTY INDUSTRIAL PARK (DCIP)**  
 DESOTO COUNTY, FLORIDA

**DEVELOPER**  
 DESOTO COUNTY INDUSTRIAL PARK LLC (DCIP)

ZONING DESIGNATION	FUTURE LAND USE
A-5 AGRICULTURE - 5	RURAL/AGRICULTURE - WITH CONSERVATION OVERLAY

**100-YEAR FLOODPLAIN**  
 THE FACILITY LIES WITHIN FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD) AND ZONE A (SPECIAL FLOOD HAZARD AREA) AS IDENTIFIED ON FEMA PANEL ID NUMERICAL: 12027C0185C, EFFECTIVE DATE: 11/06/2013.

LEGEND	
R/W	RIGHT OF WAY
CCR	CERTIFIED CORNER RECORD
A/C	AIR CONDITIONER
CM	CONCRETE MONUMENT
ELEV.	ELEVATION
EOP	EDGE OF PAVEMENT
ID.	IDENTIFYING #
INV	INVERT
LB	LICENSED BUSINESS
PSM	PROFESSIONAL SURVEYOR & MAPPER
RCP	REINFORCED CONCRETE PIPE
RLS	REGISTERED LAND SURVEYOR
SR	STEEL ROD
SRC	STEEL ROD & CAP
x 62.1	GROUND ELEVATION
x 62.11	HARD SURFACE ELEVATION
○	LIGHT POLE
⊙	FIBER-OPTIC MARKER
⊞	SIGN
⊞	ELECTRIC RISER
→	BOLLARD
▨	WETLAND
■	FEMA ZONE A
□	CATCH BASIN
⊕	FIRE HYDRANT
⊕	UNKNOWN VALVE
⊕	UTILITY POLE
⊕	GUY ANCHOR
⊕	WATER VALVE
⊕	MANHOLE
⊕	SANITARY MANHOLE
⊕	WELL
⊕	TRANSMISSION STRUCTURE
⊕	GUARD RAIL
⊕	CONTOUR ELEVATION
⊕	UNDERGROUND DRAINAGE
⊕	OVERHEAD WIRE
⊕	TOP OF BANK
⊕	TOE OF SLOPE
⊕	PROPERTY BOUNDARY

- NOTE(S)**  
 1. AERIAL IMAGERY TAKEN FROM 30 SOUTH SURVEYING, DATED 05/06/2025.  
 2. BOUNDARY SURVEY DATA TAKEN FROM 30 SOUTH SURVEYING, DATED 05/06/2025.  
 3. WETLANDS SURVEY PREPARED BY SWCA, DATED 04/09/2025.

**FOR PERMITTING REVIEW  
 NOT FOR CONSTRUCTION**

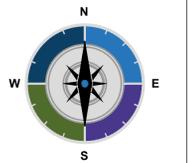
PREPARED BY:



567 BISHOP GATE LANE • 1 (804) 354 - 7020  
 JACKSONVILLE, FL 32204 www.swca.com

PREPARED FOR:

**DESOTO COUNTY INDUSTRIAL PARK LLC (DCIP)**



**PROJECT**  
 DESOTO COUNTY INDUSTRIAL PARK (DCIP)  
 3600 NE ROAN ST.  
 ACADIA DESOTO COUNTY, FLORIDA

**TITLE**  
 EXISTING CONDITIONS

SEAL

CHECKED BY: BTH	DESIGNED BY: NRH	DRAWN BY: NRH
REV	DATE	DESCRIPTION
0	2025/09/16	REZONE TO PUD CONCEPT PLAN BTH/KJB
1	2025/10/29	UPDATED POWER GEN UNITS BTH/KJB

DATE: 2025/09/16

PROJECT #: 93201



SHEET **2**





**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, DESOTO COUNTY INDUSTRIAL PARK, LLC, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0077-2025) BY CHANGING THE ZONING DISTRICT OF 34.22 ACRES FROM AGRICULTURAL - 5 (A-5) TO PLANNED UNIT DEVELOPMENT (PUD) WITH A CONCEPT DEVELOPMENT PLAN FOR A 35,134 SQUARE FOOT DATA CENTER FACILITY AND OFFICE ON PROPERTY GENERALLY LOCATED IN CENTRAL DESOTO COUNTY AT 3800 NE ROAN STREET, THE PROPERTY IDENTIFICATION NUMBER BEING 28-37-25-0000-0031-0000 AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is owned by Desoto County Industrial Park, LLC and consists of a 34.22 -acre property generally located in central DeSoto County, located at 3800 NE Roan Street, the Property Identification Number being 28-37-25-0000-0031-0000 (Exhibit A); and

**WHEREAS**, the Interim 2040 Future Land Use Map shows the +/- 34.22 -acre parcel is designated Rural/Agricultural and in the Conservation Overlay (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 A-5 (Agricultural – 5) to PUD (Planned Unit Development) with a Concept Development Plan to develop a 35,134 s.f. data center facility with an office and a supporting gas electric-generating facility (Exhibit C); and

**WHEREAS**, consistent with LDR Sections 20-1497 and 20-1498, the Planning Department 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 Planning Director

caused a duly noticed public hearing to be published at least ten calendar days before the March 3, 2026, Planning Commission meeting; and

**WHEREAS**, at the March 3, 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 with conditions; and

**WHEREAS**, on March 24, 2026, the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZNE-0077-2025, 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 provided conditions are imposed; 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 34.22 -acre property generally located in central DeSoto County, located at 3800 NE Roan Street, the Property Identification Number being 28-37-25-0000-0031-0000.

**Section 3.** *Rezoning approval.* Desoto County Industrial Park, LLC, owner, are hereby granted an Official Zoning District Atlas amendment (RZNE-0077-2025) changing the zoning district of 34.22-acres from A-5 (Agricultural – 5) to PUD

(Planned Unit Development), which owner shall be bound by the Concept Development Plan attached hereto and incorporated herein as Exhibit "C" and further agree to be bound by the following conditions:

1. The applicant shall provide parking based upon the required 1 space per 1,000 s.f. required for industrial uses consistent with Sec. 20-537 of the LDRs with the Improvement Plan or a deviation from the LDRs can be requested with the Improvement Plan.
2. The Concept Plan indicates a future data center expansion area. Any expansion will require Board approval of an amendment to this Concept Plan with a PUD application, subject to County and State requirements.
3. Any onsite power generation will not be a Florida Public Service Commission (FPSC) public electric utility and will not provide power to outside users.
4. Landscape buffers shall be provided and illustrated on the Improvement Plan consistent with Division 6 of the LDRs to include Type B landscape buffering around perimeter of the existing chain-link fence.
5. Solid waste collection shall be provided by County franchisee and the receptacles approved on the Improvement Plan.
6. Improvement Plan shall include all fire department requirements
7. Detailed traffic, safety and operational analysis shall be approved with the Improvement Plan.
8. On-site electric generation:
  1. Approval does not grant, convey, or imply any franchise, right, privilege, or authorization to provide electric utility service within the County. Any on-site electric generation and associated facilities shall be limited solely to serving the Project's on-site loads and shall not include the sale, transmission, wheeling, or distribution of electricity to any third party or across public rights-of-way.
  2. All on-site electric generation facilities shall be designed, constructed, and operated in a manner that does not violate or impair the County's franchise agreement with Florida Power & Light Company (FPL).
  3. In the event the County determines, after notice from FPL or otherwise, that the project's on-site electric generation or related facilities conflict with or violate the County's franchise obligations with FPL, the Owner shall, at its sole cost and expense:
    - a. promptly cease operation of the non-compliant electric generation facilities;
    - b. take all actions necessary to cure such conflict; and
    - c. if required by the County, connect the project to the FPL franchised electric utility system for service.

4. The County makes no representation or warranty regarding the permissibility of on-site generation under the franchise agreement or State law, and the Owner assumes all risk associated with the installation and operation of such facilities.

**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 this 24<sup>th</sup> day of March, 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:





Exhibit B Conservation Overlay:

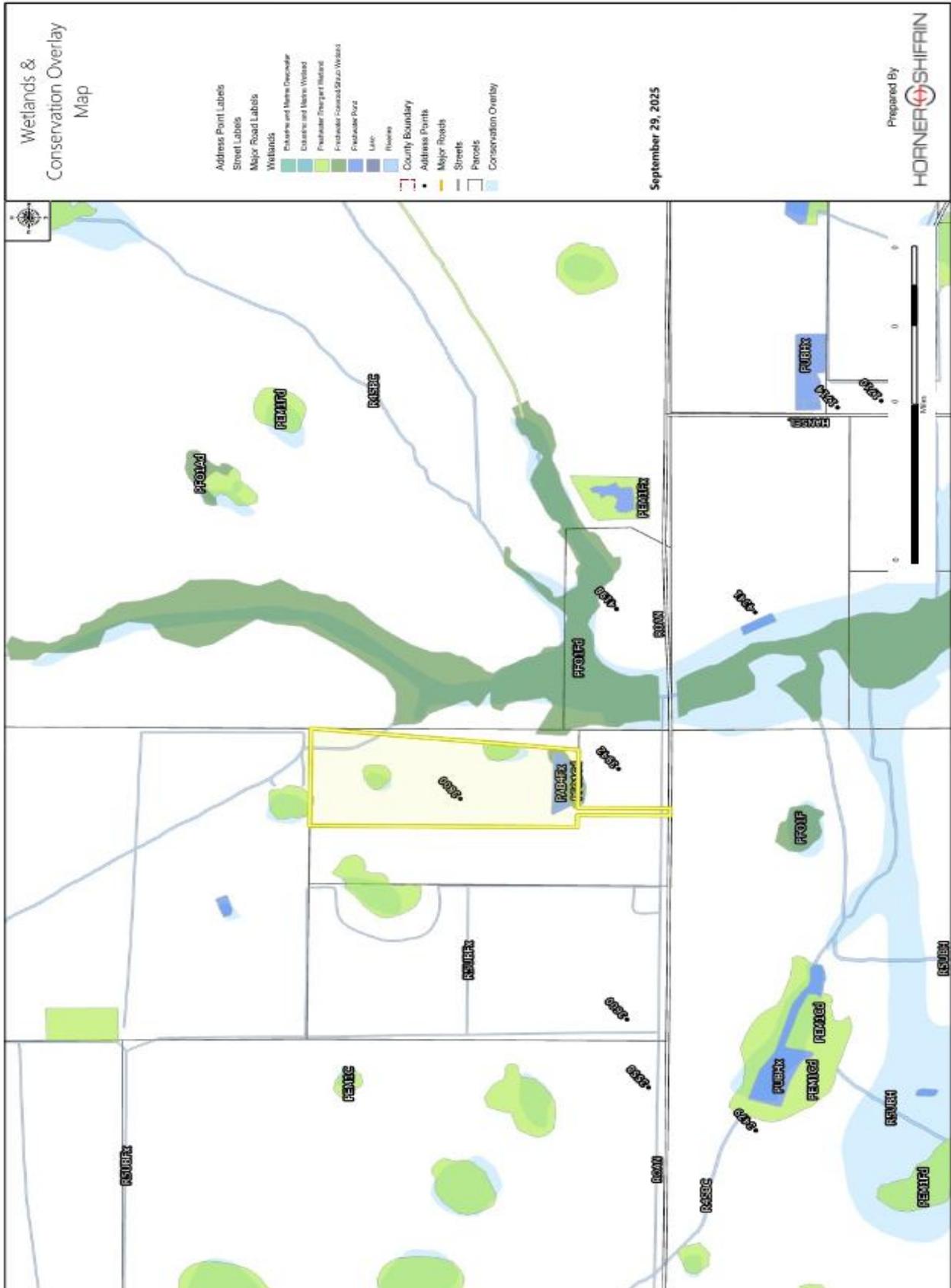


Exhibit C Zoning:



