

**DESOTO COUNTY, FLORIDA
ORDINANCE 2026- _____**

AN ORDINANCE OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING A COMPREHENSIVE PLAN 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; PROVIDING FOR SEVERABILITY AND CONFLICTS; 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, the Community Planning Act (Sections 163.3161-163.3217, Florida Statutes) empowers and mandates the Board to prepare, adopt and amend a comprehensive plan for the County’s future growth and development; and

WHEREAS, Policy 1.1.14 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, 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 10, 2026, pursuant to Sections 163.3184 (3) and (5), F. S.; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, on March 13, 2026, the amendment was transmitted to the reviewing agencies (and any other local government or governmental agency that has filed a written request with the governing body) and the Florida Department of Commerce (FDC) acknowledged receipt of the amendment package (26-01 ESR) on March 16, 2026; 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, FDC issued a letter on April 13, 2026 stating the review was completed and they had no comments on the proposed amendment; and

WHEREAS, on April 28, 2026, the Board held an adoption hearing to consider the adoption of the proposed amendment to its comprehensive plan, with due public notice having been provided, and having considering all comments received during such public hearing, including the data and analyses provided for in the County staff report, finds it is necessary and desirable to adopt, and does hereby 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 adopts the amendment modifying DeSoto County Comprehensive Plan text, Policy 1.1.14, as more particularly set forth in Exhibit A to this Ordinance.

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

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect

SECTION 5. The effective date of this Plan amendment shall be according to law and the applicable statutes and regulations pertaining thereto.

PASSED AND DULY ADOPTED in DeSoto County, Florida, this 28th Day of April 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.