



## 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. The LDR amendments are conditioned on the Comprehensive Plan Amendment (COMP-0017-2025) becoming effective.

### **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
- ~~c.~~ 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, Adoption: April 28, 2026

## **ALTERNATIVE ACTIONS FOR THE BOARD OF COUNTY COMMISSIONERS CONSIDERATION**

1. Motion to APPROVE and adopt the LDR amendments, as recommended by the Planning Commission.
2. Motion to DENY adoption of the LDR amendments based on the oral findings on the record.
3. Motion to TABLE the LDR amendments because additional information is needed to render a decision.