

DESOTO COUNTY, FLORIDA
ORDINANCE 2024- _____

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 OWNERS, CODY S. FUSSELL AND EMMA R. FUSSELL, AN OFFICIAL ZONING DISTRICT ATLAS AMENDMENT (RZNE-0058-2024) BY CHANGING THE ZONING DISTRICT OF 5 ACRES FROM AGRICULTURAL – 5 (A-5) TO RESIDENTIAL SINGLE FAMILY - 1 DWELLING UNIT PER ACRE (RSF-1), ON PROPERTY GENERALLY LOCATED IN SOUTHWEST DESOTO COUNTY, ON SW KISSIMMEE ROAD, ARCADIA, FURTHER DESCRIBED AS LOT 7 OF THE GREENE ACRES LETTUCE LAKE SUBDIVISION; THE PROPERTY IDENTIFICATION NUMBER BEING 23-39-23-0010-0000-0070 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is owned by Cody S. Fussell and Emma R. Fussell (“Owners”) and consists of a 5 acre parcel located in southwest DeSoto County, on SW Kissimmee Road, the Property Identification Number being 23-39-23-0010-0000-0070 (Exhibit A); and

WHEREAS, the Interim 2040 Future Land Use Map shows the +/- 5 acre parcel is designated Low Density Residential Land Use, a portion of which is within the Conservation Overlay (Exhibit B); and

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

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

WHEREAS, consistent with LDR Section 20-1502, the Development Director caused a duly noticed public hearing to be published at least ten calendar days before the December 3, 2024, Planning Commission meeting; and

WHEREAS, at the December 3, 2024, Planning Commission hearing, the Commission entered into the record the Development Review Report and all other competent substantial evidence presented at the hearing, adopted the findings and conclusions contained therein, and forwarded the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted as presented; and

WHEREAS, on December 17, 2024, the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZNE-0058-2024, and the Board considered the Development Review Report and recommendation, the Planning Commission recommendation and all substantial competent evidence presented at the Planning Commission hearing, all other competent substantial evidence presented at the Board public hearings, and determined that the application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations and all other applicable regulations; and

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

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

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

Section 2. *Property description.* A 5 acre property located in southwest DeSoto County, on SW Kissimmee Road, Arcadia, further identified as lot 7 of “Greene Acres of Lettuce Lake”, the Property Identification Number being 23-39-23-0010-0000-0070.

Section 3. *Rezoning approval.* Cody S. Fussell and Emma R. Fussell, owners

and applicants, are hereby granted an Official Zoning District Atlas amendment (RZNE-0058-2024) changing the zoning district of the 5 acre subject property from Agricultural-5 (A-5) to Residential Single Family - 1 (RSF-1).

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

Section 5. This Ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED in DeSoto County, Florida this 17th day of December, 2024.

ATTEST:

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

By: _____
Mandy J. Hines
County Administrator

By: _____
J.C. Deriso, Chair
Board of County Commissioners

Approved as to Form and Correctness:

By: _____
Valerie Vicente,
County Attorney

Exhibit A

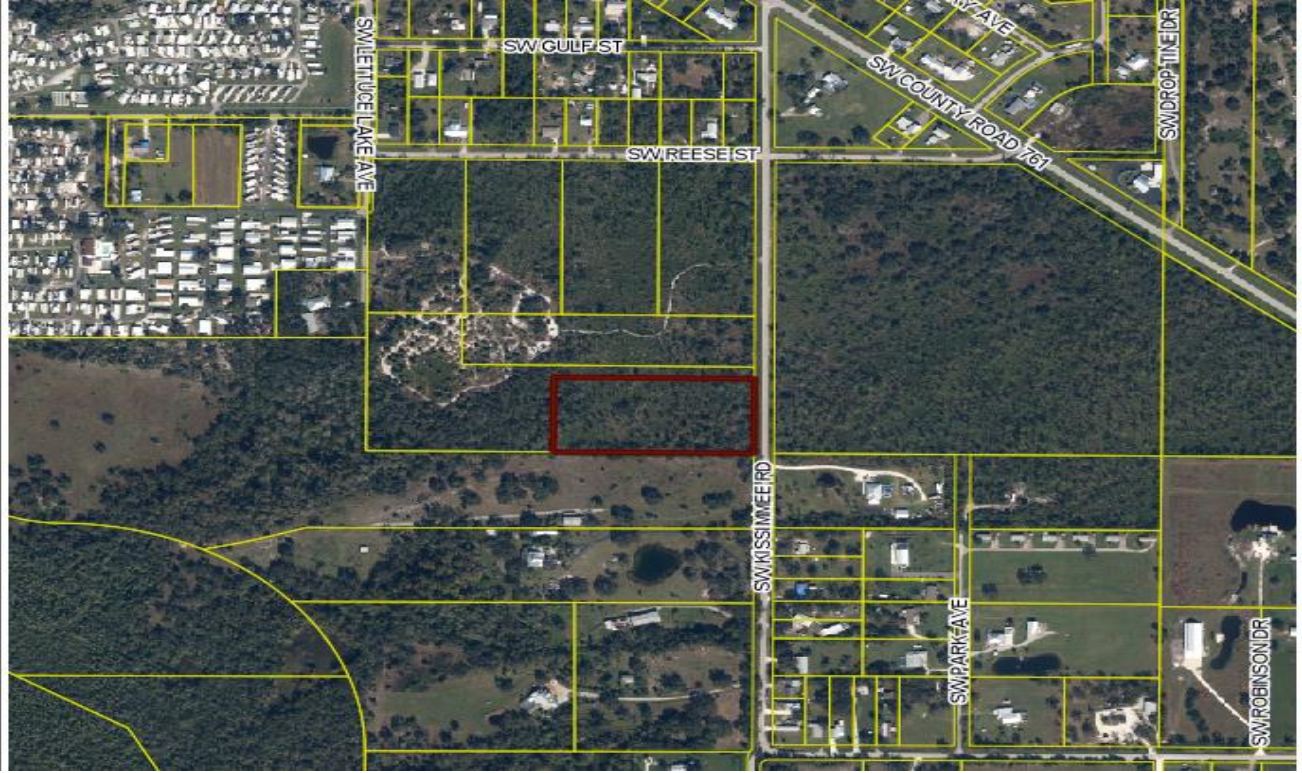


Exhibit B

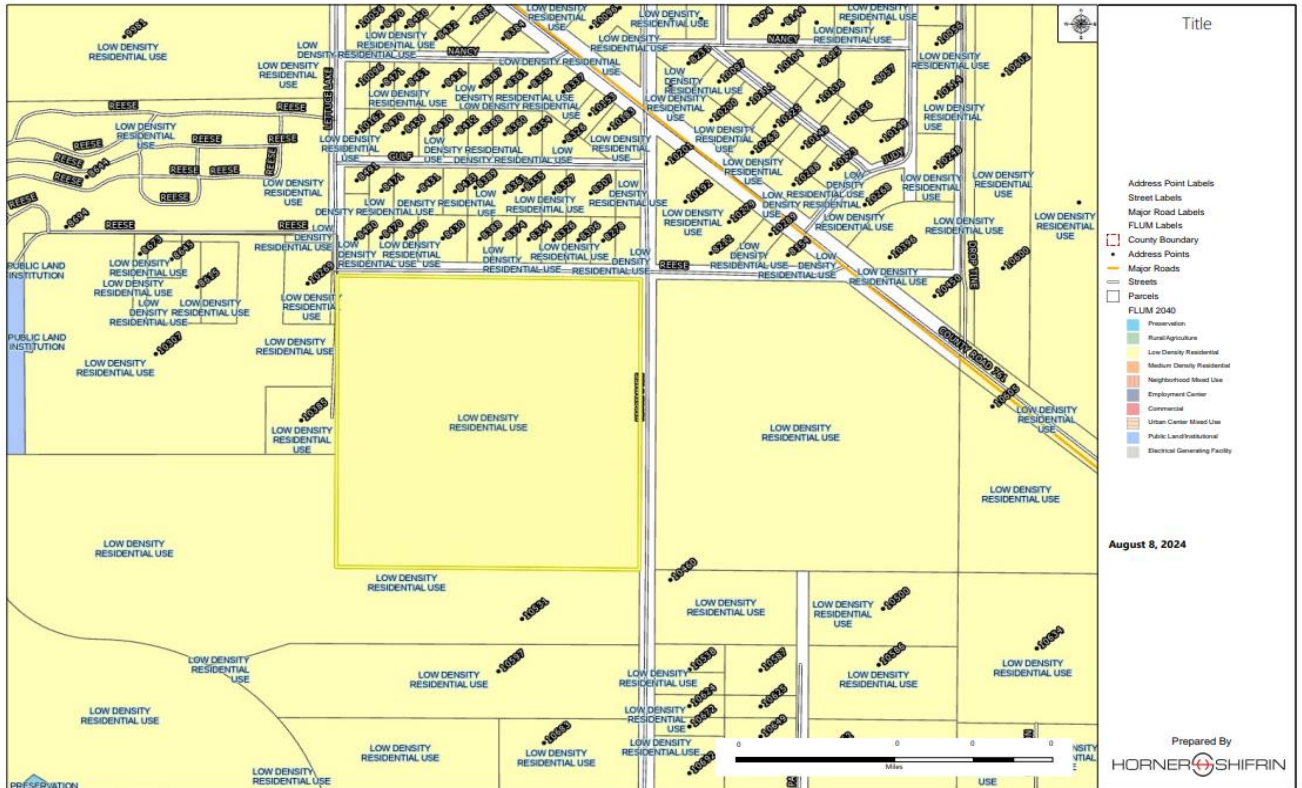


Exhibit C

