

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

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, 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.

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 28th 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