

DESOTO COUNTY, FLORIDA
ORDINANCE 2026- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA DENYING AN APPLICATION TO AMEND THE OFFICIAL ZONING ATLAS FOR A +/- 5.07 ACRE LOT FROM AGRICULTURAL – 5 (A-5) TO RESIDENTIAL SINGLE FAMILY-2 (RSF-2) FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF SW REESE STREET AND SW LETTUCE LAKE AVENUE WITH PROPERTY IDENTIFICATION NUMBER BEING 23-39-23-0010-0000-0010; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is owned by R. D. Welch Company and consists of a +/- 5.07-acre property generally located in southwest DeSoto County, located at the southeast corner of SW Reese Street and SW Lettuce Lake Avenue, the Property Identification Number being 23-39-23-0010-0000-0010 (Exhibit A); and

WHEREAS, the Interim 2040 Future Land Use Map shows the +/- 5.07-acre parcel is designated Low Density Residential Future Land Use Category (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 Agricultural -5 (A-5) to Residential Single Family-2 (RSF-2) (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, in preparing the Development Review Report, the Development Director did not have the benefit of considering competent substantial evidence subsequently introduced at the public hearings before the Planning Commission and the Board; 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 June 2, 2026, Planning Commission meeting; and

WHEREAS, at the June 2, 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; and

WHEREAS, on June 23, 2026 , the DeSoto Board of County Commissioners (Board) held a duly noticed public hearing on application number RZNE-0080-2026, 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, including the testimony under oath by members of the public, and determined that the application does not comply with the DeSoto County Land Development Regulations, and by a vote of 3-2, DENIED the application; 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 +/- 5.07-acre property generally located in southwest DeSoto County, on SW Reese Street, the Property Identification Number being 23-39-23-0010-0000-0010.

Section 3. *Findings of fact.* The Board has considered all relevant, competent substantial evidence in the record, including testimony and documentary evidence, and based on preponderance of that evidence the Board finds that amendment application number RZNE-0080-2026 does not meet or comply with the following factors identified in Section 20-1498, DeSoto County Code of Ordinances, which pertain to the rezoning land:

Factor 2. Existing Land Use Pattern. The Applicant proposes to rezone the property from A-5 to RSF-2. The properties immediately adjacent to the east, south, and a portion of the west are all zoned A-5, reflecting the predominant zoning pattern surrounding the subject property. While certain properties located north of the subject parcel are zoned RSF-2, those properties are part of an established platted subdivision and are separated from the subject property by a public roadway, Reese Street. Based on the record evidence, the area immediately surrounding the subject property is predominantly characterized by A-5 zoning. Accordingly, the Board finds that the requested rezoning is not consistent with the existing land use pattern in the area.

Factor 6. Whether changed or changing conditions make passage of the proposed zoning change necessary. No competent substantial evidence was introduced establishing that this zoning change is necessitated by changing conditions. The rezoning sought by Applicant was shown to be sought in order to allow additional residential development, notwithstanding that the property had been subdivided into a 5-acre parcel consistent with the A-5 zoning as recently as May 28, 2024, by Resolution 2024-038.

Factor 8. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety. The subject property consists of approximately five (5) acres and is currently zoned A-5, which permits a maximum of one dwelling unit per five acres. The requested RSF-2 zoning classification would permit up to ten (10) dwelling units on the property. Based upon the evidence presented, the property has limited frontage and access to a public roadway, with direct access appearing to be available only along the northern boundary and a portion of the western boundary. Evidence was presented during the public hearing regarding the adequacy and legal sufficiency of access to serve the number of dwelling units that could be developed under the proposed RSF-2 zoning classification. Given the substantial increase in allowable density from one dwelling unit to as many as ten dwelling units, the Board finds that the record does not contain competent and substantial evidence demonstrating that safe and adequate access exists to accommodate the traffic, emergency vehicle access, and public safety needs associated with the increased residential intensity.

Factor 14. Whether there are substantial reasons why the property cannot be used in accord with existing zoning. The Property's existing zoning is Agricultural-5

(A-5) and numerous permitted uses are allowed in said zoning district as listed in Section 20-127, DeSoto County Code of Ordinances. The Applicant did not establish that the property could not be used in accordance with existing zoning and simply wants to develop this property with more density than as allowed in A-5. Applicant's proposed change is not in conformance with this factor.

Factor 15. Whether the change suggested is out of scale with the surrounding area. The Applicant proposes to rezone the property from A-5 to RSF-2. The immediately adjacent properties to the east and the south, as well as a portion of the property to the west remain zoned A-5, which permits a maximum density of one dwelling unit per five acres. In contrast, RSF-2 permits up to two dwelling units per acre. As a result, the requested rezoning would increase the allowable residential density by a factor of ten, representing a 10-fold increase in the density currently permitted under A-5 zoning. Given the predominance of A-5 zoning on the surrounding properties and the substantial increase in allowable density, the proposed rezoning would be out of scale with the existing development pattern and character of the surrounding area.

Section 4. Conclusions of Law. Based on the competent substantial evidence in the record, the Board concludes that the Applicant has not met the aforementioned requirements for rezoning set forth in Section 20-1498, DeSoto County Code of Ordinances, based on a totality of factors.

Section 5. Based upon the foregoing, application RZNE-0080-2026 changing the zoning of property located at southeast corner of SW Reese Street and SW Lettuce Lake Avenue, the Property Identification Number being 23-39-23-0010-0000-0010, from Agricultural-5 (A-5) to Residential Single Family-2 (RSF-2) is **DENIED**.

Section 6. This Ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED in DeSoto County, Florida this 23rd day of June 2026.

ATTEST:

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

By: _____
Mandy J. Hines
County Administrator

By: Steven Hickox
[Steven Hickox \(Jun 24, 2026 20:34:36 EDT\)](#)
Steve Hickox, Chair
Board of County Commissioners

Approved as to Form and Correctness:

By: Valerie Vicente
[Valerie Vicente \(Jun 25, 2026 08:53:53 EDT\)](#)
Valerie Vicente,
County Attorney

Exhibit A: Location Map



Exhibit C: Zoning Map

