



Agenda Item No. IX.C.

### **DEVELOPMENT DEPARTMENT REPORT**

The matter before the Planning Commission, sitting as the Local Planning Agency (LPA), is a proposed Ordinance amending the Land Development Regulations (LDR) and establishing the Lake Suzy Overlay (LSO) zoning district. The Ordinance is before the Planning Commission because Land Development Regulations Article 12, Administration and Enforcement, Section 12502 requires the Planning Commission to consider LDR amendments at a public hearing. *Staff recommends the Planning Commission enter into the record this Development Department Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted.*

#### **I. BACKGROUND**

Lake Suzy is an unincorporated community in southwest DeSoto County that has its origins based upon the Loreda Park plat, which was recorded in the public records on April 11<sup>th</sup>, 1925 (See Attachment A). The plat consisted 158 blocks, with a maximum 24 lots per block. The typical lot size was 50' wide by 100' foot deep. The plat dedicated all streets and highways to DeSoto County, with the average street right-of-way being 50' wide and with the Kings Highway right-of-way being 60' wide. A 1953 aerial photograph showing the Loreda Park plat at the block but not the lot level is displayed in Attachment B. It shows the area was predominantly wetlands. In the 1980's and 1990's, portions of Loreda Park were

replatted and developed and sometime thereafter the area became known as Lake Suzy.

On August 2, 2006 the Alliance of Lake Suzy Homeowners' Associations (ALSHA), Inc. a not-for-profit organization, was incorporated. Its purpose is to communicate with, unify, educate and represent the various citizens and residential groups of SW DeSoto County in order to promote the public safety, economic development, planned growth and general welfare of the area residents.

The ALSHA website states it represents 14 homeowner associations and/or property owner association in the area, which is approximately 16 square miles of DeSoto County's 637 square miles.

- Crystal Bay at Kingsway Condo Association, Inc.
- Heron Point of DeSoto County Condo Association, Inc.
- North Shore at Kingsway Condominium Association, Inc.
- Lake Suzy Property Owners Association, Inc.
- Egret Point Condominium Association, Inc.
- Villas at Kings Crossing
- Lake Suzy Patio Homes POA
- Spring Lake Park POA
- Clubside Villas Condo Association, Inc.
- Kings Island Association, Inc.
- Kingsway Golf Villas POA
- South Shore Villas Condominium Association
- Pembroke Property Owners Association, Inc.
- Lake Pembroke Property Owners Association, Inc.
- Individual home and property owners

At the May 24<sup>th</sup>, 2016 Board of County Commissioners public meeting, County Administrator Mandy Hines under her Administrators Report noted that for the last few year Lake Suzy residents have been interested in pursuing an amendment to the Land Development Regulations that would establish a Lake Suzy Overlay

(LSO) zoning district. County Administrator Hines inquired whether the Board would have any objection in dedicating staff time to working with the residents to bring back to the Board an Ordinance creating the LSO zoning district and the Board had no objection to moving forward with this action.

On June 20<sup>th</sup>, 2016, County Administrator Hines e-mailed Mr. George Wojtkiewicz, President of the Pembroke Property Owners Association, to advise that the Board had no objection with proceeding forward and informed that Development Director Earl Hahn would be the point of contact. The following day the Development Director e-mailed Mr. George Wojtkiewicz requesting information on the Lake Suzy point of contact and the dates and times it would be best to meet. That same day, Mr. Wojtkiewicz e-mailed Director Hahn and explained that Maureen Staci would be the ALSHA contact. In addition, the e-mail include an October 23<sup>rd</sup>, 2014 document which identified some of the issues the ALSHA would like the LSO zoning district to incorporate.

On September 19<sup>th</sup>, 2016, Ms. Staci responded to Director Hahn and identified the Committee members established to coordinate the proposed ordinance and she requested he provide dates and time when the parties could meet. Subsequently, the first meeting was set for Wednesday, September 28<sup>th</sup>, 2016 and Director Hahn transmitted a draft Ordinance for discussion purposes that addressed the ALSHAs concerns.

Subsequent to the September 28<sup>th</sup>, 2016 meeting, additional meetings were held with the Committee on January 12<sup>th</sup>, 2017 and February 2<sup>nd</sup>, 2017 and the recommendations made at the previous meeting were incorporated into the draft ordinance. Subsequent to the February 2<sup>nd</sup>, 2017 meeting, the ALSHA held a general membership meeting on February 23<sup>rd</sup>, 2016 where the draft ordinance was presented. The draft ordinance was amended again to address changes recommended at that meeting and then was finalized after review by the County for legal, administrative, and fiscal constraints.

## **II. PROPOSED ORDINANCE**

Attachment C is an Ordinance amending the Land Development Regulations (LDR) by adding new provisions pertaining to creation of a new overlay zoning district; creating LDR Section 2402, Lake Suzy Overlay (LSO) zoning district including Purpose and Intent, District boundaries; Supplemental District Regulations concerning access, off-street parking, vehicular-related requirements, signs, landscaping and irrigation, community appearance, fences and walls, and temporary uses; providing for Special Regulations concerning gateway or entrance features, building separation, perimeter property boundary setback, building relationship and design, recreation and open space, pedestrian facilities and amenities, bicycle facilities and amenities, public transit facilities and amenities, roadways, recommended minimum dwelling unit size, lighting, solid waste, and construction practices; creating Section 2106, One dwelling unit per lot; amending LDR Section 13200, Definitions, by adding dwelling and amending accessory building; amending LDR Section 10600 on minimum rental housing exterior maintenance standards to add a section referencing Section 2402; amending LDR Section 10500 on community appearance standards to add a section referencing LDR Section 2402; amending Section 14500 on Improvement Plan by adding a new Section B concerning signing and sealing plans, architectural plans, tabular summary, landscape and irrigation plans, lighting or photometric plans, and renumbering Section 14500B as 14500C; providing for codification, conflicts, severability, and an effective date.

### **III. DATA & ANALYSIS**

Land Development Regulation (LDR) amendments should be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the LDR amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of LDR amendment adoption.

A. Section-by-section description. The proposed Ordinance has four (4) procedural section and six (6) substantive sections. The procedural sections pertain to codification (Section 12), conflicts (Section 13), severability (Section 14), and an effective date (Section 15). The eleven (11) substantive sections are addressed below.

1. Section 1 amends LDR Article 2, Zoning Districts and Regulations, Section 2400, Overlay Districts, by adding a new overlay zoning district under Section 2402, called Lake Suzy Overlay (LSO) Zoning District.
2. Section 1.A amends LDR Article 2, Zoning Districts and Regulations, Section 2400, Overlay Districts, Section 2402, by creating a new Subsection called “Purposes and Intent.” This section lists the five purposes for creating the overlay zoning district.
  - The first purpose provides the overlay zoning district generally covers six sections, that is, six square miles.
  - The second purpose is to enhance the quality of life through additional land development regulations that apply to future developments. These additional regulations include supplemental district regulations, special regulations, new and revised definitions, community appearance regulations, and Improvement Plan enhancements.
  - The third purpose is to establish minimum maintenance standards for new and existing developments.
  - The fourth purpose is to provide for enforcement. In those instances where the overlay district regulations address the same enforcement issues as the deed restrictions, it is intended that the individual HOAs/POA initially enforce their deed restrictions. If the property owner does not timely

address the HOA/POA violation, then the County will cite the property owner. This pre-requisite is necessary due to fiscal and administrative constraints.

- The final purpose addresses implementation and enforcement.

Section 2 also expresses that the intent of the overlay district is to implement the applicable portions of the Comprehensive Plan's Future Land Use Element and Map designations. The FLUM designations within the overlay area include the Preservation, Low Density Residential, and Commercial designations.

3. Section 1.B amends LDR Article 2, Section 2400, Section 2402 by adding a new Subsection titled Lake Suzy Overlay zoning district boundaries. Attachment D is an aerial photograph displaying the overlay boundaries. It shows that two areas are excluded from the overlay zoning district.

- The first area is located at the northeast corner of Section 28 and it generally excludes: the unplatted area south of SW Peace River Street, west of SW Branson Avenue, and east of SW Crenshaw Street, and the Welch's Subdivision and Welch's Subdivision First Addition. This area is excluded because it is an existing development whose property owners are not part of the ALSHA.
- The second area is generally located on the east side of SW Kings Highway and north of SW Glenadine Street. It includes the platted areas known as Spring Lake Addition and Second Spring Lake Addition to DeSoto Peace River Heights and unplatted areas east and north of those subdivisions. This area is excluded because it is an existing subdivision predominantly developed with mobile homes on privately owned lots whose property owners also are not part of ALSHA.

4. Section 1.C amends LDR Article 2, Section 2400, Section 2402 by adding a new Subsection titled “Supplemental District Regulations”. That Section has eight (8) paragraphs: access, off-street parking, vehicular-related requirements, signs, landscaping and irrigation, community appearance, fences and walls, and temporary uses.
  - a. Access. The LDR currently allows developers to provide access via private use of a common easement. It also does not establish any minimum width for the access easement or require such access easement to be paved. This section requires new but not existing development to have dedicated access to a paved road consistent with the Engineering Standards Details. Those standards require a minimum 60’ right-of-way width with 10’ wide paved travel lanes that meet certain structural standards to ensure durability and safety.
  - b. Off-street parking. The LDR currently requires 2 regular parking spaces per single-family or duplex and 1.5 parking spaces per multi-family dwelling. This section increases the required amount of parking for new development. For single-family units with two bedrooms or less, the minimum parking standard is two spaces, one of which must be in a garage. For single-family units with more than two bedrooms, one additional parking space is required for each additional bedroom. For multi-family, units the standard is the same as above but there is no requirement for garage parking. In addition, for multi-family housing, there is a guest parking standard of one parking space for every four bedrooms. For non-residential uses, the parking standards are as provided in LDR Section 7300.
  - c. Vehicular related requirements. The LDR does not prohibit outdoor vehicular repair in a residential district or establish

any standards for driveways. The proposed Ordinance prohibits within a residential district the outdoor repair of vehicles, trailers, mobile equipment or similar vehicles and equipment. It should be noted that outdoor repair typically occurs during the weekend, when DeSoto County does not have any available Code Enforcement staff. This section also requires all driveways to be paved.

A previous draft of this ordinance prohibited the overnight storage of vehicles and equipment. The enforcement of this provision at this time is inappropriate due to fiscal and administrative constraints.

- d. Signs. This section has three requirements. First, it requires all buildings be numbered consistent with the requirements in Code of Ordinances Chapter 11, Article VI.. Among other things, this Article requires numbers in Arabic design with a minimum number height of 4 inches, which numbers must be mounted at a height of between 4 and 10 feet.

The second sign change limits the type and size of signs allowed within residential zoning districts. The LDR currently allows one for rent/sale/open house sign not to exceed six square feet per lot. The proposed Ordinance limits that to one square foot. A previous version of the Ordinance provided additional regulations on political signs but that requirement has been replaced with one requiring conformance to existing LDR requirements.

The third sign change provides that within a nonresidential district, a ground sign must include the name of the plaza and the range of addresses. This provision is intended to facilitate public safety services.

- e. Landscaping and irrigation (L/I). The LDR does not establish any requirement for residential and non-residential developments to install trees or irrigation to ensure that planted landscape materials survive beyond initial installation. The L/I provisions includes 12 paragraphs establishing standards for the number of trees and shrubs, requirement for landscaping and irrigation, and maintenance. Specifically, within the overlay zoning district, it prohibits grass taller than 6" as compared to the existing 10" County standard.
  - 1) Minimum L/I for single-family lot
  - 2) Minimum L/I for townhouse and villa lot
  - 3) Minimum L/I for multi-family lot
  - 4) Minimum L/I for common areas
  - 5) Minimum L/I for non-residential lot
  - 6) Minimum L/I for perimeter property line of a development
  - 7) Plant material requirements
  - 8) Minimum landscaping maintenance standards
  - 9) Temporary storage
  - 10) Concrete edging requirement
  - 11) Right-of-way L/I requirements
  - 12) Irrigation system requirements.
  
- f. Community appearance. The LDR establishes minimum housing exterior housing maintenance standards for renter-occupied property but not to owner-occupied property. This section applies those standards to owner-occupied property. The LDR also establishes Community Appearance Standards to residential and non-residential property along US-17 and SR-70. These standards will now apply within the Lake Suzy area.
  
- g. Fences and walls. The LDR currently allows fences and walls along the property line. The proposed Ordinance prohibits

fences and walls within the building setback areas but allows them elsewhere.

- h. Temporary uses. LDR Section 8300 allows temporary use for real estate development, mobile home or recreational vehicle on a lot undergoing construction, community events, and medical hardship. This section prohibits temporary occupancy of a non-principal structure except as allowed by Section 8300B and D. Those sections allows real estate development temporary uses (e.g., real estate office, construction and equipment storage, model homes, etc.) and for special events, such as promotional and fund raising events and garage or yard sales.
5. Section 1.D. amends LDR Article 2, Section 2400, Section 2402 by adding a new Subsection titled “Special Regulations”. That subsection adds 13 paragraphs concerning gateway or entrance features, building separation, perimeter property boundary setback, building relationship and design, recreation and open space, pedestrian facilities and amenities, bicycle facilities and amenities, public transit facilities and amenities, roadways, recommended minimum dwelling unit size, lighting, solid waste, and construction practices
- a. *Gateway or entrance feature.* Although most residential developers install a gateway feature or entrance sign with the name of the development, the LDR does not require such sign be installed as part of a development. This section requires installation and further requires the area around said feature to be landscaped and irrigated.
  - b. *Building separation.* The LDR currently establishes a minimum 10’ separation standard between buildings. If the buildings on each side are, for example, 40’ high, then the minimum 10’

separation can feel too confined and would restrict light and air. The new separation standard sets a minimum separation standard of one-half the combined building heights or a minimum of 10 feet. In the above example, a 40' minimum separation between buildings would be required.

- c. *Perimeter property boundary setback.* Except for the Planned Unit Development (PUD) zoning district, the LDR allows the setback for an individual lot to coincide with the setback for the overall development. This section applies the PUD zoning district requirement to the LSO zoning district.
  
- d. *Building relationship and design.* The LDR does not require individual buildings within a development to provide a visually and physically integrated development. As a result, it is not uncommon to see outparcel buildings in a commercial development to be incompatible with the design of the main shopping center. In addition, many of these outparcel buildings are not physically connected or integrated with the development. For example, the outparcel buildings in the Walmart Shopping Center on SR-70 are not of similar design and are not accessible to on another by foot. This section would require the buildings to be visually and physically integrated. Further, the LDR does not require any building treatments along the sides and rear of buildings. As a result, homeowners located behind a commercial building do not have a pleasing view. The new section requires appropriate exterior elevation treatments.
  
- e. *Recreation and open space.* This section contains three paragraphs.
  - 1) The Comprehensive Plan, Housing Element, establishes for concurrency purposes a minimum parks and

recreation level of service of one-half acre per 500 to 2,500 persons. Based on an average household size of 2.78 persons, the one-half acre requirement applies when 180 dwelling units are constructed. Note that a previous draft required a minimum of 3 acres per every 100 bedrooms but the County Attorney determined that imposition of that requirement would run afoul of the Burt Harris, Jr. Act and could constitute a “taking” of private property without due compensation under the state and federal constitutions.

- 2) This section determines how to calculate the parks land requirement. A previous version counted one-half the size of any water body and one-quarter the size of any wetlands. This has been changed to one-quarter the size for both surface water bodies and wetlands. The  $\frac{1}{4}$  size is intended to be consistent with Future Land Use Element Policy 1.12.4., which provides that in the Low Density Residential designation, the on-site density transfer is 25 percent. This section also places a 50 percent cap on the amount of land that surface water bodies and wetlands can count toward meeting the parks level of service.
- 3) Finally, the requirement that a tot lot be provided has been amended to make it a recommendation only. Again, the avoidance of potential Burt Harris, Jr. claims is the justification for the change.

f. *Pedestrian facilities.* This section has 8 paragraphs.

- 1) Except within the PUD zoning district, the LDR does not require that sidewalks be installed as part of a development. This paragraph requires an adequate

amount of pedestrianways and landscaping to separate the pedestrian realm from the vehicular realm.

- 2) This paragraph emphasizes desirable views be considered when designing pedestrianways and that internal and external access and connectivity be provided.
  - 3) This paragraph requires 8' wide sidewalks along both sides of any arterial roadway. Presently, there are not arterial roadways within the LSO.
  - 4) This paragraph requires 5' wide sidewalks along both sides of any collector, entrance or access road and internal local roads.
  - 5) This paragraph requires a 5' wide sidewalk along a single side of a service road. An example could be a road that leads to a lift station.
  - 6) This paragraph requires a 5' wide sidewalk from a building entrance to the parking area and the mailbox.
  - 7) This paragraph requires the pedestrianway be adequately maintained.
  - 8) The final paragraph places maintenance responsibility of the pedestrianways and swale on the abutting property owner.
- g. *Bicycle facilities.* This section requires new development and redevelopment to install a bicycle facility or amenity in proximity to each recreation facility, transit shelter, and non-residential building.

- h. *Public transit facilities.* This section requires the dedication of a public transit facility and amenities, if applicable.
- i. *Roadways.* This section requires any new residential development with a length exceeding a quarter mile in length to provide for traffic calming to reduce speeds and landscaping and irrigation to enhance the traffic-calming feature.
- j. *Recommended minimum dwelling unit size.* The minimum dwelling unit size was change from a requirement to a recommendation in order to avoid a Burt Harris, Jr. Act claim. The minimum size for a one bedroom units is 1,200 square feet of heated and air-conditioned space and then 400 square feet for each additional bedroom.
- k. *Lighting.* The previous versions of this ordinance only required lights adjacent to the door of single family, villa, and townhouse units. The Ordinance now provides for the following:
  - 1) General requirements. This paragraph has three sub-paragraphs. The first sub-paragraph prohibits glare and light spillover or trespass. Sub-paragraph 2 requires “full cutoff” luminaires fixtures and the fixtures be fully shielded to prevent glare and light spillage. The third sub-paragraph allows the Development Director to deviate from these requirements. For example, the Development Director could allow light within a development to spillover on adjacent public areas to provide a safer walking environment.
  - 2) Parking areas. This paragraph has four sub-paragraphs. Sub-paragraph 1 requires parking area light levels and

uniformity ratios consistent with Illuminating Engineering Society of North America standard. For example, the average parking area standard is 0.8 foot-candles while the minimum is 0.2 foot-candles. The maximum to minimum uniformity ratio of 20:1 and the average to minimum ratio is 4:1. Sub-paragraph 2 requires lighting be consistent and coordinated for the entire site. Sub-paragraph 3 sets mounting heights for luminaries while sub-paragraph 4 establishes minimum maintained illumination levels.

- 3) Pedestrian areas. This paragraph is similar to the parking area requirements. For sidewalks, the average standard is 0.2 foot-candles but the maximum is 5 foot-candles.
  - 4) Residential development. This revised Ordinance now requires a light next to each door and a minimum one foot-candle for the accessible route from the parking lot to the building entrance.
- i. *Solid waste.* This section requires garbage, refuse, and rubbish to be kept in a closed container and within the dwelling except for collection days.
  - m. *Construction practices.* This section requires that building permits be accompanied by a brochure advising all contractors and subcontractors about specific construction practices required within the overlay area. This includes a prohibition on signage, hurricane preparedness procedures, and replacing damaged sod.

6. Section 2 amends LDR Article 2, by creating Section 2106 called One dwelling per lot. It allows only one dwelling per lot, except in those zoning districts where an accessory dwelling unit is allowed.
7. Section 3 amends LDR Article 13, Section 13200 on Definition. This section defines the term “dwelling” and revises the definition of accessory building to prohibit those in the Residential Single-Family zoning districts. Accessory buildings would include sheds and greenhouses.
8. Section 4 amends LDR Article 10, Section 10600, Minimum Rental Housing Exterior Maintenance Standard, Section 10601, Applicability, by providing that these provision apply to all residential dwelling units within the overlay zoning district.
9. Section 5 amends LDR Section 10500 on Community Appearance Standards by providing that these provision apply to all residential and non-residential premises within the overlay zoning district.
10. Section 6 amends LDR Section 14500 on Improvement Plan by adding a new Section B and adding five (5) paragraphs on signing and sealing plans, architectural plans, tabular summary, landscape and irrigation plans, and submittal requirement.
  - a. *Signing and sealing.* The LDR requires a statement of accuracy by the owner/applicant acknowledging that misrepresentation of the plan may result in the cancellation of the development permit. The new paragraph requires the plans be signed and sealed by a licensed civil engineer, landscape architect, or architect. When plans are signed and sealed, it means the licensed professional must review, and in some cases supervise the drawing of, these documents. They then put their professional seal on them. This means they take full responsibility for all the information provided. If the building is

built as drawn and sealed, any failure or defect that shows up during or after the building is constructed is their responsibility. This is also as close as we get to an assurance that the building is designed to perform under the conditions of its location and use.

- b. *Architectural plans.* The LDR does not give the Development Department authority to request architectural plans showing the building floor plan and its elevation. This section requires a developer to submit proposed floor plans, building elevations, elevations of other structures and features (such as gateway feature and signs), and colored renderings.
- c. *Tabular summary.* This section requires the Improvement Plan contain a table displaying seven specific data so that staff can more efficiently determine conformance to the LDR standards and requirements.
- d. *Landscape and irrigation plans.* This section requires the improvement plan include landscape and irrigation plans, open space (both active and passive space) plans, and tree canopy information.
- e. *Lighting or photometric plans.* This section describes what information must be provided on a lighting or photometric plan. The plan must establish conformance to the lighting standards and requirements in Section 1.D.11.
- f. *Submittal.* This Section renumbers B to C.

- B. Florida statutes. Section 163,3202, Florida Statutes, requires a local government to adopt land development regulations that implement their adopted Comprehensive Plan. Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain provisions addressing

the use of land and water. Paragraph 163.3213(2)(b), Florida Statutes, defines a "Land development regulation" as an ordinance enacted by a local governing body for the regulation of any aspect of development, including a subdivision, building construction, landscaping, tree protection, or sign regulation or any other regulation concerning the development of land. This term shall include a general zoning code, but shall not include a zoning map, an action which results in zoning or rezoning of land, or any building construction standard adopted pursuant to and in compliance with the provisions of chapter 553.

Staff concludes the proposed Ordinance is a land development regulation because it addresses the general zoning code revisions.

- C. Amendment requirements. LDR Section 12504B requires the Planning Commission to consider two criteria when reviewing a LDR amendment: the need and justification for the change and the relationship to the Comprehensive Plan.
1. *The need and justification for the change.* The Development Department finds there is a need to amend the LDR to provide suburban-type development standards and requirements for the Lake Suzy suburban area. The existing LDR generally has standards and requirements that are more rural and semi-rural in nature. The justification is to preserve and improve the public health, safety, general welfare while maintaining and improving the suburban character and property values.
  2. *The relationship of the proposed amendment to the purposes and objectives of the Comprehensive Plan, with appropriate consideration as to whether the proposed changes will further the purposes of the LDR and the Comprehensive Plan.* The Development Department finds that although the Comprehensive Plan does not have any specific Objectives or Policies addressing community appearance, there are two provisions that can be construed to support the

Ordinance:

- Future Land Use Element Objective 1.13, which provides that DeSoto County shall enforce creative land development regulations which contain specific provisions to implement the adopted Comprehensive Plan; and
- Traffic Circulation Element Policy 1.2.12 on road beautification.

Based on the above, the Development Department concludes the proposed Ordinance amending the Land Development Regulations generally furthers the purposes of the Comprehensive Plan.

- D. Public notice. The ALSHA held a general members meeting on Thursday, February 23<sup>rd</sup>, 2017 meeting to seek input from their membership on the Ordinance. A copy of the distributed flyer is included as Attachment E.
1. *Mailed Notice.* On or before March 20<sup>th</sup>, 2017 the Development Department mailed 2,100+ notices to persons who own property within the Lake Suzy Overlay area boundaries and to those persons who own property within 1,000 linear feet of the boundaries, excluding those living in Charlotte County, Florida.
  2. *Posted Notice.* DeSoto County posted four 4' by 8' signs in the Lake Suzy area at the following general locations:
    - a. On the east side and northbound side of CR 769 north of the DeSoto/Charlotte County line, the southern boundary line of the LSO zoning district;
    - b. On the west side and southbound side of CR 769 just south of SW Peace River Street, the northern boundary line of the LSO zoning district;

- c. On the west side and southbound side of CR 769, just north of SW Kingsway Circle; and
- d. On the south side of SW Peace River Street between CR 769 and SW Welch Avenue.

A copy of a photograph showing the posted signs is included as Attachment F.

- 3. **Published Notice.** The Planning Commission public hearing is scheduled for April 4<sup>th</sup>, 2017. The Land Development Regulations Article 12, Section 12508 requires notice of the Planning Commission meeting to be published in a newspaper of general circulation at least 15 days before the public hearing, or by Monday, March 20<sup>th</sup>, 2017. The proof of publication is included with the agenda and it is incorporated herein by reference.

#### **IV. ATTACHMENTS**

- Attachment A: Loreda Park plat
- Attachment B: 1953 Aerial Photograph with Loreda Park plat block lines superimposed
- Attachment C: Proposed Ordinance
- Attachment D: Aerial photograph displaying Lake Suzy Overlay zoning district boundaries
- Attachment E: ALSHA Lake Suzy Meeting Poster
- Attachment F: Photograph of posted signs in place

## **V. FINDINGS AND CONCLUSIONS**

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

1. The DeSoto County Board of County Commissions authorized the Development Department to work with the Alliance of Lake Suzy Homeowners' Association, Inc. to develop an overlay zoning district for the area.
2. The ALSHA established a working committee and the Development Department met with the working group on three different occasions to develop a draft Lake Suzy Overlay zoning district. On February 23<sup>rd</sup>, 2017, the draft Ordinance was presented to the ALSHA membership and the consensus of the membership was to move forward with the Ordinance. The Ordinance also was presented at the Community Conversations meeting held on April 20<sup>th</sup>, 2017.
3. The proposed Ordinance contains 11 substantive sections dealing with such matters as the overlay boundaries, access, off-street parking, vehicular-related requirements, signs, landscaping and irrigation, community appearance, fences and walls, and temporary uses, gateway or entrance features, building separation, perimeter property boundary setback, building relationship and design, recreation and open space, pedestrian facilities and amenities, bicycle facilities and amenities, public transit facilities and amenities, roadways, recommended minimum dwelling unit size, lighting, solid waste, construction practices, and improvement plan submittals.
4. The proposed Ordinance is consistent with LDR Section 12504B, which requires the need and justification for the change be identified and that it conform to the Comprehensive Plan.

5. The proposed Ordinance has been duly advertised and noticed.

## **VI. ALTERNATIVE ACTIONS**

The Planning Commission/LPA has one of the following alternative actions at its disposal:

- A. Enter into the record the Development Department Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted.
- B. Enter into the record the Development Department Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Planning Commission's recommendation, and forward the record to the Board of County Commissioners with the recommendation that the proposed Ordinance not be adopted.
- C. Enter into the record the Development Department Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to the Board of County Commissioners with the recommendation that the proposed Ordinance be adopted with conditions.
- D. Enter into the record the Development Department Report and all other substantial competent evidence presented at the hearing, identify any additional data and analysis needed to support the proposed Ordinance, and forward the record to the Board of County Commissioners with the recommendation that the proposed Ordinance be tabled for up to six months in order to allow staff time to provide the identified data and

analysis needed to make an informed recommendation on the proposed Ordinance.

## **VII. RECOMMENDED ACTION**

- A. Development Department recommendation. Staff recommends the Planning Commission enter into the record this Development Department Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the Board of County Commissioners with a recommendation that the proposed Ordinance be adopted.
- B. Planning Commission recommendation. The proposed Ordinance is scheduled on the agenda for the regular April 2017 Board hearing, being held on April 4<sup>th</sup>, 2017.
- C. Board of County Commissioners action. First reading of the proposed Ordinance is tentatively scheduled on the agenda for the April 24<sup>th</sup>, 2017, Board of County Commission public hearing. The adoption hearing on the proposed Ordinance is tentatively scheduled on the agenda for the May 23<sup>rd</sup>, 2017 Board public hearing.