

**DESOTO COUNTY
ORDINANCE NO. 2017 –**

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; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Alliance for Lake Suzy Homeowners Association (ALSHA) is a master home owners association consisting of 14 Property Owner Associations (POA), Home Owner Associations (HOA), and single-family dwellings within the Lake Suzy area; and

WHEREAS, the ALSHA states the POAs and HOAs are located within six Sections of DeSoto County, these being Township 39 South, Range 23 East, Sections 28 through 33; and

WHEREAS, the DeSoto County Interim 2040 Future Land Use Map shows the land within Township 39 South, Range 23 East, Sections 28 through 33 is designated Preservation, Low Density Residential or Commercial; and

WHEREAS, the DeSoto County Official Zoning District Atlas displays the land within Township 39 South, Range 23 East, Sections 28 through 33 is located within the Agriculture 10 (A-10), Agriculture 5 (A-5), Residential Single-Family 3 (RSF-3), Residential Single-Family 4 (RSF-4), Residential Multi-family 6 (RMF-6), Residential Multi-family 8 (RMF-8), Residential Office Institutional (ROI), Residential Multi-Family-Mixed (RMF-M), Residential Office-Institutional, Planned Unit Development, Industrial Light (IL) Commercial Neighborhood (CN), and Commercial General (CG) zoning districts; and

WHEREAS, the DeSoto County Land Development Regulations (LDR) establish different land use regulations for property depending on the zoning district where the property is located; and

WHEREAS, the POAs and HOAs that are members of the ALSHA have similar deed restrictions which establish standards that are more restrictive than those included in the above-referenced zoning districts; and

WHEREAS, the ALSHA has requested DeSoto County to incorporate some of the deed restrictions into the LDR through the establishment of an overlay zoning district for the Lake Suzy area; and

WHEREAS, it is not the intent of this Ordinance to supersede the ALSHA in the enforcement of their deed restrictions but to complement and provide enforcement subsequent to initial enforcement action by the ALSHA, where appropriate and to the extent funds are available; and

WHEREAS, ALSHA representatives, and DeSoto County staff met on September 28th, 2016, January 12th, 2017, and February 2nd, 2017 to discuss drafting an Ordinance that accomplishes ALSHA's intent where appropriate and consistent with protecting the best interests of all DeSoto County property owners; and

WHEREAS, on February 23rd, 2017 ALSHA held a community meeting at the Kingsway Country Club in order to get public input on the Ordinance; and

WHEREAS, at the duly noticed April 4th, 2017 Planning Commission public hearing, the Planning Commission considered the Development Department Report supporting the Ordinance that amends the LDR and all substantial competent evidence presented at the hearing, and the Planning Commission recommended that the Ordinance and record be forwarded to the Board of County Commissioners with a recommendation that the Ordinance be adopted or be adopted with conditions; and

WHEREAS, on April 20th, 2017, DeSoto County Administration held a Community Conversations meeting at the Kingsway Country Club to discuss issues pertaining to the Lake Suzy area, including the proposed Ordinance Lake Suzy Overlay zoning district; and

WHEREAS, on April 25th, 2017 and May 23rd, 2017 the DeSoto Board of County Commissioners (Board) held duly noticed public hearings on the Ordinance, and the Board considered the Development Department Report and recommendation, the Planning Commission recommendation and all substantial competent evidence presented at the Planning Commission hearing, all other substantial competent evidence presented at the Board public hearing, and determined that the Ordinance complies with the DeSoto County Comprehensive

Plan, the Land Development Regulations, and all other applicable regulations; and

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

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

SECTION 1. Article 2 of the DeSoto County Land Development Regulations is amended to create a new Section 2402, Lake Suzy Overlay (LSO) Zoning District, as set forth below.

Section 2402 Lake Suzy Overlay (LSO) Zoning District

A. Purposes and Intent. The purposes of the Lake Suzy Overlay (LSO) Zoning District are to:

1. Establish overlay zoning district regulations for real property within the Lake Suzy area, whose general boundaries include Township 39 South, Range 23 East, Sections 28 through 33;
2. Protect and enhance the quality of life through the application of additional land development regulations that establish minimum standards for all future developments; and
3. Protect the interests of existing and future Lake Suzy area property owners by establishing minimum maintenance standards for new and existing developments;
4. Protect and promote a high quality of life and an attractive environment through the equitable administration and enforcement of county ordinances and regulations, where appropriate and to the

extent funds are available, subsequent to initial enforcement action by the applicable organization; and

5. Promote public trust that DeSoto County Land Development Regulations are being implemented and enforced in a manner that builds the confidence of all DeSoto County property owners in county government.

The intent of the Lake Suzy Overlay Zoning District is to implement the 2040 Comprehensive Plan by establishing an overlay zoning district consistent with the Preservation, Low Density Residential and Commercial 2040 Interim Future Land Use Map (IFLUM) designations.

- B. District boundaries. The legal description for the LSO zoning district boundaries are as follows: **COUNTY SURVEYOR'S WRITTEN DESCRIPTION GOES HERE**

- C. **Supplemental District Regulations.** The supplemental district regulations set forth in: LDR Article 2, Section 2200 on essential services and parking; Article 7, Section 7206 on access; Section 7300 on Off-Street Parking; Section 7500 on Landscaping; Article 8, Section 8300 on Temporary Uses; Article 9 on Sign Standards; Article 10, Sections 10500 on Community Appearance Standards and 10600 on Minimum Rental Housing Exterior Maintenance Standards; Article 8, Section 8004 on fences and walls; and Article 14 on Supplementary Requirements, shall apply except as modified below.

1. *Access requirements.* Property zoned LSO district shall have publicly dedicated access to a paved public roadway consistent with the Land Development Regulations and Engineering Standard Details.

2. *Off-street parking.* The following minimum parking standards and requirements shall apply to new development and redevelopment:

- a. Single-family, villa and townhouse Resident parking standard:

1) One and two bedrooms. Two (2) paved parking spaces, a minimum of one (1) that shall be within a garage.

2) *Three or more bedrooms.* One (1) paved parking space for each bedroom, a minimum one and a maximum of four that shall be within a garage.

Carports shall be prohibited for single-family, villa & townhouse units.

b. Multi-family Resident parking standard.

1) Resident parking standard.

a. One and two bedrooms. Two (2) paved parking spaces.

b. *Three or more bedrooms.* One (1) paved parking space for each bedroom

Communal garages in proximity to units are encouraged for multi-family residential developments.

2) Guest parking standard. In addition to the resident parking standard, the required guest parking standard is one (1) paved space for each four bedrooms or fraction thereof.

c. Other parking standard. The parking standard for clubhouses, other residential development amenities, and non-residential uses shall be as required elsewhere in these LDRs.

d. Parking space standard. The minimum dimensions for each garage parking space shall be twelve (12) feet wide by twenty-four (24) feet deep. The minimum parking space dimensions shall be as

described in LDR Section 7300.

e. Non-residential parking standards and requirements. Except within an agricultural zoning district, all non-residential parking spaces shall be paved.

3. Vehicular-related requirements. The following requirements apply to new and existing residential development.

a. Vehicular repair. Vehicle, trailer, mobile equipment or similar vehicle and equipment repairs may occur within a garage but outdoor repair in a residential zoning district is prohibited.

b. Driveways. All driveways shall be paved. Acceptable pavement materials include asphalt, concrete, decorative stone, and similar hard surfaces. Driveways shall be free of potholes and accumulations of excess sand, aggregate, fluid spillage, or intrusion of weeds and sod onto the pavement.

4. Signs.

a. All buildings shall be numbered consistent with Code of Ordinances Chapter 11, Article IV.

b. Within a residential zoning district, no sign of any kind shall be displayed on the premises with the exception of:

- the building permit card sign consistent with LDR Section 9601;
- security sign (i.e., alarm, electronic fence, etc.)
- one "For Sale" or ~~and~~ "For Rent" sign; and
- one "Open House" sign.

The Open House, For Rent and For Sale, and security sign shall not

exceed one square foot in size each. No commercial signs may be displayed for any services, at any time, on any residentially zoned property. Political signs are allowed consistent with LDR Section 9300.

c. Within a non-residential zoning district, a ground sign must include the name of the plaza or center, the tenant names, and the range of plaza or center addresses.

5. Landscaping and irrigation. For new development, the following standards and requirements shall apply.

a. Minimum landscaping and irrigation standards and requirements for a single-family unit lot shall be as follows:

1) Two (2) trees shall be installed in the front yard.

2) Twenty-four (24) shrubs shall be installed on the lot.

3) The entire lot and swale area shall be fully covered with sod or other ground cover, including to the street or to the edge of the water bank area, as applicable.

4) All landscaped areas shall be irrigated.

b. Minimum landscaping and irrigation standards and requirements for a townhouse or villa unit lot shall be as follows:

1. One (1) tree shall be installed on the front yard.

2. Ten (10) shrubs shall be installed on the lot.

3. The entire lot and swale area shall be fully covered with sod or other ground cover, including to the street or to the edge

of the water bank area, as applicable.

4. All landscaped areas shall be irrigated.

c. Minimum landscaping and irrigation standards and requirements for a multi-family lot shall be as follows:

1) One (1) tree for every two dwelling units or fraction thereof shall be installed on the lot;

2) Along each side of the building, a continuous hedge shall be provided.

3) The entire lot and swale area shall be fully covered with sod or other ground cover, including to the street or to the edge of the water bank area, as applicable.

4) All landscaped areas shall be irrigated.

d. Minimum landscaping and irrigation standards and requirements for the common area shall be as follows:

1) One (1) tree shall be provided for each dwelling unit, which shall be setback a minimum three feet from all property lines;

2) All common areas not utilized for buildings, structures, roads, driveways, parking areas and other paved areas shall be covered with grass or ground cover and planted with trees and shrubs.

3) All landscaped areas shall be irrigated.

e. Minimum landscaping and irrigation standards and requirements

for non-residential development shall be as follows:

- 1) All common areas not utilized for buildings, structures, roads, driveways, parking areas and other paved areas shall be covered with grass or ground cover and planted with trees and shrubs.
 - 2) Parking lot interior landscaping shall be as provided in LDR Section 7301E.3.b.1).
 - 3) All landscaped areas shall be irrigated.
- f. Minimum landscaping and irrigation standards and requirements along the perimeter property line shall include a five (5) feet wide landscaped and irrigated strip with one (1) tree for every thirty-five (35) linear feet or fraction thereof and grass or ground cover.
- g. Plant material requirements.
- 1) *Quality.* Plant materials used in conformance with provisions of this section shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants," State of Florida, Department of Agriculture, Tallahassee, current edition. Grass sod shall be clean and reasonably free of weeds and noxious pests and diseases. Grass seed shall be delivered to the job site in bags with Florida Department of Agriculture tags attached indicating the seed grower's compliance with the department's quality program. Whenever possible, frost resistant vegetation shall be planted.
 - 2) *Preservation of existing native vegetation.* Existing native vegetation and plant communities shall be protected and incorporated into the site plan whenever feasible. Natural

plant communities shall be given special protection appropriate to a geographical area and shall be protected and preserved up to the total entity, including understory.

4) *Trees and palms.*

a) Trees shall be species having an average mature spread crown of greater than fifteen (15) feet and having trunk(s) which can be maintained in a clean condition over five (5) feet of a clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread.

b) Trees shall be a minimum of ten (10) feet overall height immediately after planting, with a spread of at least five (5) feet and a minimum caliper of two (2) inches. However, when adjacent to a residential district, trees shall be a minimum of twelve (12) feet overall height immediately after planting, with a spread of at least six (6) feet and a minimum caliper of two and one-half (2½) inches.

c) Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with No. 6 road mesh (6 × 6 × 6) or equivalent.

d) Minimum tree spacing shall be:

- (1) Large canopy trees (thirty-five (35) feet or greater in diameter)—Twenty-five (25) feet.
- (2) Medium canopy trees (twenty-five (25) to thirty-five (35) feet in diameter)—Twenty (20) feet.
- (3) Small canopy trees (less than fifteen (15) feet in diameter)—Eight (8) feet.

5) Palms. A cluster of three (3) palms may be considered a tree and must create the total of a fifteen (15) foot crown spread. All palms that have substantially "clear trunk" characteristics at maturity shall have a minimum of six (6) feet clear trunk overall height at the time of planting. If palms are used, they shall make up no more than forty (40) percent of the total trees required.

6) Shrubs and hedges. Shrubs and hedges shall have a minimum height of thirty-six (36) inches with a minimum spread equal to the planting interval, when measured immediately after planting, with branches touching, except as otherwise required herein. If 36-inch high hedges are not available, the difference in value between a 36-inch high shrub and the installed shrub as based on the latest edition of "Plantfinder" shall be voluntarily donated to DeSoto County Beautification Trust Fund or similar fund established for landscaping purposes. Such shrubs and hedges shall be maintained but not at a height exceeding six feet.

7) Vines. Vines shall be a minimum of thirty-six (36) inches in height immediately after planting, with at least three (3) runners spaced a minimum of six (6) feet apart and may be used in conjunction with fences, screens or walls.

8) Ground cover. Ground cover used in lieu of grass at the time of installation shall be planted with a minimum of seventy-five (75) percent coverage with one hundred (100) percent coverage occurring within three (3) months of installation, with no gaps or overlaps.

9) Grass. Grass areas may be sodded. Solid sod shall be used in swales or other areas subject to erosion. The finished grade of sod area shall be free of all stones, sticks, roots, and other matter prior to placement of the sod. Sod shall be installed flat and continuous, with no gaps or overlaps. The variety of grass used shall be drought tolerant. Bahiagrass, Bermudagrass, Zoysiagrass, and Centipedegrass are preferred variety of grass to be used. St. Augustine grass is acceptable and may be used. Carpetgrass is prohibited from being used.

h. Minimum landscaping maintenance standards. For new and existing development, the property/home owner association shall provide for adequate maintenance of landscaping and irrigation within any common areas such as right-of-way or access easement areas, perimeter property line areas, water body maintenance areas, and swale areas. The property owner also shall provide for the adequate maintenance of their premise. Adequate maintenance means:

1) No allowing grass or weeds to equal or exceed a height of six inches (6") high;

- 2) Not to allow shrubs to equal or exceed a height of six (6') feet;
 - 3) Removing weeds, palm frond droppings, dead trees and shrubs, other intrusive growths; and
 - 4) Manicured ground cover and removal of litter
- i. Temporary storage. Dirt, mulch, stones, etc., to be installed as a component of landscaping improvements may be stored on a parcel for no more than one month.
 - j. Concrete edging will be installed around all gardens adjacent to houses, and for island plantings which includes tree plantings.
 - k. For new development, the minimum landscaping and irrigation standards and requirements along both sides of any public right-of-way shall be one (1) tree for every forty (40) linear feet or fraction thereof and grass or ground cover.
 - l. Irrigation systems. For new development, all landscaped and grass areas shall be provided with an automatically operating underground irrigation system, unless otherwise provided herein. Sizing and spacing of heads and lines shall be specified and installed to provide one hundred (100) percent water coverage, and a minimum fifty (50) percent overlap of all living surface areas and with or no water spraying onto hard pedestrian and vehicular surfaces, building walls or fences. The irrigation system shall be maintained in a fully operational state and shall be designed to comply with the following standards.
 - (1) Irrigation systems shall be designed to meet the need of the plant material.

- (2) When feasible, irrigation systems shall be designed to separately serve grass and non-grass areas.
- (3) The irrigation system plans and specifications shall identify the materials to be used and the construction methods.
- (4) The design shall consider soil, slope, and other site characteristics in order to minimize water waste, including overspray, the watering of impervious surfaces and other non-vegetated areas, and off-site runoff.
- (5) The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.
- (6) The system shall be designed to use the lowest quality water when feasible.
- (7) Rain switches or other devices, such as soil moisture sensors, to prevent unnecessary irrigation, shall be incorporated as provided in Section 373.62, Florida Statutes.
- (8) Controls to operate irrigation systems shall provide the following minimum capabilities:
 - (a) The ability to be programmed in minutes, by day of week, season, and time of day.
 - (b) The ability to accommodate multiple start times and programs.
 - (c) An automatic shut off after adequate rainfall.
 - (d) The ability to maintain time during power outages for

a minimum of three (3) days.

(e) Operational flexibility to meet applicable year-round water conservation requirements and temporary water shortage restrictions.

(9) Precipitation rates for sprinklers and all other emitters in the same zone shall be matched, except that micro-irrigation emitters may be specified to meet the requirements of individual plants.

(10) Irrigation systems shall be designed to maximize uniformity, considering factors such as:

(a) Emitter types.

(b) Head spacing.

(c) Sprinkler pattern.

(d) Water pressure at the emitter.

(11) Irrigation systems with main lines larger than two (2) inches or designed to supply more than seventy (70) gallons per minute shall incorporate a means to measure irrigation water use, at a minimum of ninety-five (95) percent accuracy across the flow range.

(12) Irrigation system plans and specifications shall require the system installer to conduct final testing and adjustments to achieve design specification prior to completion of the system. The installer shall verify that all vegetation are visibly watered.

- (13) Irrigation system plans and specifications shall require that the installer provide property owners and users with post-construction documentation, including as-constructed drawings, recommended maintenance activities and schedules, operational schedule, design precipitation rates, instruction on adjusting the system to apply less water after the landscape is established, maintenance schedule, water source, water shut-off method, and the manufacturer's operational guide for the irrigation controller.
- (14) The irrigation systems installed may be a sprinkler irrigation system or a drip irrigation system. A combination of these two systems is permitted and may be required to efficiently water landscaping, and minimize water waste. When using the drip irrigation system, mulch is required to hide the drip tube from view and to add to the life expectancy of the system. The irrigation system shall be zoned so that each group of plants with similar water needs receives only the amount of water required to maintain the plant.
- (15) Where established native vegetation is incorporated into the landscape design, irrigation of those areas may not be required.
- (16) Certification. A Florida licensed landscape architect or a Certified Arborist shall execute and file with the Development Department an affidavit attesting to the fact that based on an inspection on the premises, landscaping and irrigation has been installed consistent with Improvement Plan before a Certificate of Completion for the development can be issued.

6. *Community appearance.* The following standards and requirements shall apply to new and existing development.

a. Residential requirements. All Premises on residential zoned property shall conform to LDR Section 10600, Minimum Rental Housing Exterior Maintenance Standards. In addition, all Premises must be kept clean, free from mold or mold discoloration, litter, and clinging vine growths.

b. Non-residential requirements. All Premises on non-residential zoned property shall conform to LDR Section 10500, Community Appearance Standards. All walkways, driveways and parking lots must be free of potholes and accumulations of excess sand, aggregate, fluid spillage or intrusion of weeds or sod onto the pavement. In addition, all Premises must be kept clean, free from mold or mold discoloration, litter, and clinging vine growths.

7. Fences and walls. Notwithstanding LDR Section 8004, within a residential zoning district fences, walls, constructed barriers or similar improvements are prohibited within the minimum building setback areas of the property perimeter except for the planting of shrubs, hedges, and trees which may be installed as natural buffers. Notwithstanding the above, a fence, wall or similar barrier may be installed outside of the minimum building setback area but such structure may not exceed a height of four (4) feet. All fences and walls within the development shall be of a consistent material and uniform color. This section applies solely to new development.

8. Temporary uses. Except as allowed in LDR Article 8, Section 8300B and D, it shall be illegal to temporarily occupy a non-principal structure, including but not limited to any trailer, tent, shack, garage, barn, or other outbuilding.

D. Special regulations. The special regulations as set forth herein shall apply within the LSO zoning district.

1. Gateway or entranceway features. For new residential development that is part of a planned community, the following features shall apply:
 - a. A gateway or entranceway is required for all new residential development. The gateway shall be compatible in size, shape, dimensions, texture, construction materials, colors and design with the overall residential development.
 - b. Appropriate landscaping and irrigation shall be provided to enhance the gateway or entranceway feature.
2. Building separation. For new residential development and redevelopment, the minimum building separation standard shall be a minimum one-half of the combined building heights or ten feet, whichever is greater.
3. Perimeter property boundary setback. For new development and redevelopment within the LSO zoning district, all buildings and structures must maintain a minimum setback of twenty-five (25) feet from the perimeter boundary of the site.
4. Building relationship and design. For new development and redevelopment, individual buildings shall be related to each other in design, masses, materials, placement and connections so as to provide a visually and physically integrated development. Treatment of the sides and rear building elevations shall be consistent and compatible with the treatment applied to the front.
5. Recreation and open space. For new residential development and redevelopment, common open space shall be used for amenity or recreation purposes and must be suitably improved for its intended use.

- a. Consistent with Housing Element Policy 1.1.2(4) on parks concurrency, a minimum one-half acre of land shall be dedicated for any residential development that could generate between 500 and 2,500 persons.
- b. Only one-quarter (¼) the size of any surface water body and any wetlands may count toward meeting the recreation and open space level of service, provided the water body or wetlands is deed restricted for open space and passive recreation use. Moreover, surface water bodies and wetlands may not constitute more than one-half of the minimum land requirements.
- c. Tot lots with playground equipment are recommended to be provided and incorporated into the overall design scheme of the development.

6. *Pedestrian facilities and amenities.* New development and redevelopment shall provide the following facilities and amenities

- a. There shall be an adequate amount of pedestrian ways and landscaped space to limit pedestrian use of vehicular ways and to separate pedestrian ways from general vehicular circulation.
- b. The location and design of pedestrian ways shall emphasize desirable views, provide convenient internal access and connectivity to dwelling units and/or non-residential buildings and development amenities, and external access and connectivity to abutting public pedestrian ways.
- c. A minimum eight (8) feet wide sidewalk shall be installed in public rights-of-way along both sides of an arterial road.

- d. A minimum five (5) feet wide sidewalk shall be installed in the public right-of-way along two (2) sides of any collector, entrance or access road and internal local roads.
 - e. A minimum five (5) feet wide sidewalk shall be installed in the public right-of-way along one (1) side of a service roadway.
 - f. There shall be a clearly delineated, safe paved pedestrian pathway at least five (5) feet wide connecting the entrance of each residential building or dwelling to the parking area. In multi-family developments, a safe paved pedestrian pathway at least five (5) feet wide connecting the building entrance to the mailbox also is required.
 - g. Pedestrian ways shall be free of litter, potholes and accumulations of excess sand, aggregate, fluid spillage, or intrusion of weeds and sod onto the pavement.
 - h. Unless part of the development's common area, the abutting property owner shall be responsible for maintaining the abutting pedestrianway and swale.
7. *Bicycle facilities and amenities.* For new development and redevelopment, a bicycle rack, locker or shelter shall be provided in proximity to each recreational facility, each public transit shelter, and non-residential building.
8. *Public transit facilities and amenities.* For new development and redevelopment abutting a collector or arterial roadway, public transit facilities and amenities, such as public transit easements, bus bays, bus shelters and benches, shall be provided to serve an existing or proposed County public transit route. When applicable, the minimum public transit amenity shall be a public transit easement with 10' by

20' dimensions and shall be spaced on the same side of the street no closer than 660 feet from one another.

9. Roadways. For new residential development, any accessway, driveway or roadway with a length exceeding one-quarter ($\frac{1}{4}$) of a mile shall be subject to the following standards and requirements:

a. Traffic calming. The accessway, driveway or roadway shall contain traffic calming features to enhance safety by slowing down vehicular traffic. Such traffic calming features may include roundabouts, narrowing of lane widths, change in materials, and other similar proven features.

b. Landscaping and irrigation. Appropriate landscaping and irrigation shall be provided to enhance the traffic calming feature.

10. Recommended minimum dwelling unit size. For new development, the recommended minimum dwelling unit size is:

a. Rental efficiency: Nine hundred (900) square;

b. One bedroom unit: One-thousand two-hundred (1,200) square feet;

c. Two bedrooms or more: Four hundred (400) square feet for each additional bedroom.

The recommended minimum dwelling size includes all heated and air conditioned areas but excludes garages, roofed screen porches, lanais, and similar features.

11. Lighting. For new development and redevelopment, the following standards and requirements shall apply.

a. General.

- 1) All lighting, regardless of location, shall be designed to prevent direct glare, light spillage or trespass, and hazardous interference with automotive, bicycle and pedestrian traffic on adjacent streets and properties.
- 2) Except as may be allowed below, all acceptable outdoor luminaries shall employ Illuminating Engineering Society of North America (IESNA) "full cutoff" light distribution designations and shall be fully shielded fixtures to reduce glare or spillage.
- 3) Any deviation(s) from these standards shall be noted at the time of improvement plan review along with a statement explaining the purpose of and reason for the deviation(s). The Development Director shall make a determination whether to accept such deviation(s).

b. Parking areas.

- 1) Where lighting is to be provided for a parking area, it shall be designed to provide safe, convenient and efficient ingress and egress for pedestrians and vehicles. Lighting shall be designed such that light levels and uniformity ratios are in compliance with the minimum standards proscribed by the IESNA.
- 2) Lighting design shall be consistent and coordinated for the entire site.
- 3) Mounting heights for exterior luminaries shall not exceed 35 feet in height within a parking lot and 18 feet within adjacent non-vehicular pedestrian areas (with the height being measured from the finished grade to the bottom of

the luminous opening of the luminary).

- 4) Maximum maintained illumination levels measured at finished grade on adjoining property within 10 feet of the property line of the project in question shall be no more than 1.0 foot-candles (fc) if the adjoining property is zoned non-residential and no more than 0.5 fc when the adjoining property is zoned residential or agriculture or is an existing residential use within 100 feet of the property line.

c. Pedestrian use areas.

- 1) Where lighting is to be provided for a pedestrian use area, it shall be designed to provide safe use of the area by pedestrians. Lighting shall be designed such that light levels and uniformity ratios are in compliance with the minimum standards proscribed by the Illuminating Engineering Society of North America (IESNA).
- 2) Pedestrian scale lighting design shall be consistent and coordinated for the entire site.
- 3) Mounting heights for exterior luminaries shall not exceed 15 feet within pedestrian use areas (with the height being measured from the finished grade to the bottom of the luminous opening of the luminary).
- 4) Maximum maintained illumination levels measured at finished grade on adjoining property at the property line of the project in question shall be no more than 0.5 foot-candles (fc).

d. New residential development.

- 1) Single-family unit. A minimum of two (2) lights shall be affixed to the front of the dwelling and a least one (1) light shall be affixed to the rear of the dwelling.
- 2) Townhouse, villa, and other dwelling units. A minimum of two (2) lights, with one (1) affixed to the front and the other to the back.
- 3) Multi-family. A minimum of one light adjacent to each door shall be required. In addition, the parking lot and an accessible route from the parking lot to the building entrance shall be provided with a minimum illumination of one foot-candle.

12. Solid waste. No property shall be used or maintained as a dumping ground for rubbish or landscape trimmings except for garden trimmings and rubbish that is to be removed within one week. No garbage, refuse or rubbish shall be deposited or kept on any parcel except in a closed container within the dwelling except during collection days.

13. Construction practices. The following construction standards shall apply to all new construction and improvements exceeding 100 square feet.

- a. All building permits shall be accompanied by a brochure advising:
 - 1) All contractors and sub-contractors to inform their workers to eliminate possible annoyances to surrounding property such as dust, noise, debris, litter and the tracking of mud and soil onto pavements in the district;
 - 2) All contractor and sub-contractors to be aware that the maximum speed limit within the Lake Suzy Overlay Zoning District is 25 miles per hour.

- b. As soon as site preparation work is completed, a temporary stone base parking area for the parking of work crew vehicles and equipment shall be installed. As much as possible, all crew vehicles will be parked on the construction site and not on the pavement or Right of Ways or any nearby empty lot.
- c. The builder will maintain hurricane preparedness and procedures to protect current homes in the areas adjacent to the construction site from flying debris.
- d. No advertising signage will be allowed on the building site by the builder, pool installer, subs or any other firm or individual working on the project.
- e. If a pool and pool cage are a segment of the construction, pool construction will be completed before the installation of sod and finished landscaping.
- f. Debris, cuttings, litter, etc. on the lot front will be cleaned-up at the end of each workday. All dirt tracked onto the pavement will swept up at the end of each workday.
- g. Disturbed sod in the right-of-way as the result of parking and mobilization of construction equipment, shall be graded and re-sodded at completion of the construction.

SECTION 2. Article 2 of the DeSoto County Land Development Regulations is amended as set forth below.

Section 2106 **One dwelling per lot.**

No more than one dwelling shall be constructed per lot, except where the zoning district allows an accessory dwelling.

SECTION 3. Article 13 of the DeSoto County Land Development Regulations Section 13200, Definitions, is amended as set forth below.

BUILDING, ACCESSORY. A building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to the principal building. The accessory building shall not be larger than the principal building. Within the Lake Suzy Overlay zoning district, accessory buildings are not allowed within the Residential Single-Family (RSF 1 – 5) zoning districts or within that portion of a Planned Unit Development (PUD) zoning district proposed to be developed with a single-family dwelling unit.

DWELLING. A building or part of a building with one or more dwelling units, each dwelling unit which shall contain living, sleeping, housekeeping accommodations, and sanitary facilities, and for which each dwelling unit is restricted to occupancy by a family.

SECTION 4. Land Development Regulations Section 10600, Minimum Rental Housing Exterior Maintenance Standard, is amended as set forth below.

Section 10601 Applicability. These minimum rental housing exterior maintenance standards shall apply only to the rental of a dwelling, or dwelling unit. In addition, within the Lake Suzy Overlay District as codified in LDR Section 2402 these standards shall apply to all residential dwelling units.

SECTION 5. Land Development Regulations Section 10500, Community Appearance Standards, is amended as set forth below.

Section 10501 Applicability. These community appearance standards shall apply only to those Premises with frontage on the following roadways:

- A. U.S Highway 17; and
- B. State Road 70.

In addition, these standards shall apply within the Lake Suzy Overlay District as described and modified in LDR Section 2402.

SECTION 6. Land Development Regulation Section 14500, Improvement Plan is amended as set forth below and current Section B is renumbered C.

B. Special Requirements Within Lake Suzy Overlay (LSO) zoning district. Within the LSO zoning district, an Improvement Plan shall be required to address the following matters, where applicable.

1. *Signing and sealing plans.* The Improvement Plan must be signed and sealed by a licensed civil engineer, landscape architect or architect.

2. *Architectural plans.* The Improvement Plan shall provide for all buildings and structures proposed to be located within a development to be oriented and designed in such a manner as to enhance, rather than detract from, the overall quality of the environment. More specifically the Improvement Plan shall include architectural plans that address the following:

b. Proposed floor plan for each building or model, including their use, size in square feet, shape, dimensions in linear feet, and type of construction.

c. Proposed building elevations, including their height, shape, texture, color palette, and type of construction.

d. Proposed elevations of fences, walls, and signs, including their size in square feet, shape, dimensions in linear feet, texture, construction material and color.

e. All permanent outdoor identification features (e.g., gateway features), which are intended to call attention to proposed projects and/or structures shall be designed and located in such a manner as to be an integral part of the total project

and/or structural design and shall not exceed a size and scale necessary for the recognition from vehicles moving along adjacent streets at prescribed legal speeds and/or the sign ordinance of the City.

f. Colored renderings shall be provided.

3. Tabular summary. The Improvement Plan shall include tabular data which addresses the following:

a. Total gross and net project acreage in acres and square feet.

b. Total number of proposed residential units, including their characteristics by number of bedrooms and total and gross square footage.

c. Proposed residential densities, including both net and gross acre calculations on both a unit and bedroom count basis.

d. Proposed nonresidential floor area by type of use and total gross square footage.

e. Percentage distribution of total gross project site, including those areas proposed for landscaped open space, impervious surfaces and building coverage.

f. Number, size and ratio of off-street parking spaces.

4. Landscape and irrigation plans. These plans shall contain information about:

a. Proposed and existing trees, shrubs, grass and other vegetation, including their location, height, quantity, shape, size and type of plant by both common and botanical classification.

- b. Proposed and existing berms, watercourses and other topographic features; including their location, height, size and shape.
- c. Natural environment. All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state and additional landscape features shall be provided to enhance architectural features, to relate structural design to the site, and to conceal unattractive uses.
- d. Open space. Adequate landscaped open space shall be provided which meets the particular needs and demands of the proposed development and all specific zoning requirements. Legal methods assuring the continued preservation and maintenance of required open space shall be determined by the character, intensity and anticipated residential or user composition of the proposed development.
- e. Passive open spaces (those areas not planned for intensive activity) shall be arranged as to enhance internal spatial relationships between the project and adjacent less intensive uses, to facilitate pedestrian movements within the development, and to improve the overall visual quality of the site.
- f. Active open spaces (those containing activities such as playgrounds, tennis courts, swimming pools and other active recreational facilities) shall be located so as to permit easy access for all residents within the development, and to have a compatible relationship with other uses within the development. Private recreational facilities and activities within

specific projects shall, wherever possible, complement rather than duplicate nearby public recreational activities.

g. Proposed irrigation plan reflecting layout, coverage and source of water.

h. Projected tree canopy coverage.

i. Landscape and irrigation plans and specifications.

5. Lighting or photometric plan. A photometric plan is a required element of development plans for all commercial, industrial, institutional, and multi-family residential developments. Where a single-family subdivision proposes non-residential facilities, such as community centers or parks, a photometric plan shall be included for those areas. Photometric plans shall include the following:

a. Maintained light levels to at least 30 feet on each side of property lines or project boundaries;

b. Data points calculated on no greater than a ten-foot by ten-foot grid;

c. Fixture location, mounting height, and pole height for each fixture location; and

d. Fixture catalog numbers and manufacturer's cut sheets for the specified fixtures.

C. SUBMITTAL

Three prints of the Improvement Plan shall be submitted. One print shall be returned to the Project Engineer with the notation of "Approved", "Approved as Noted" or "Not Approved", the latter requiring a re-submittal.

SECTION 7 CODIFICATION. This Ordinance shall be codified in the DeSoto County Land Development Regulations.

SECTION 8. CONFLICT. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND DULY ADOPTED this 23rd day of May, 2017.

COMMISSIONERS
ATTEST:

Mandy J. Hines
County Administrator

Approved as to form and legal sufficiency:

Donald D. Conn, County Attorney
County Attorney

Filed with the Florida Secretary of State on _____.

BOARD OF COUNTY
OF DESOTO COUNTY, FLORIDA

By: _____

Elton Langford
Chairman