DESMOTO COUNTY, FLORIDA

LAND DEVELOPMENT REGULATIONS

FIRST PUBLIC HEARING ISSUES AND OPTIONS

WORKSHOP DISCUSSION May 27, 2014

BOARD OF COUNTY COMMISSIONERS
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ATTACHMENT A

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Additional Issues That Have Been Raised But Which Were Not in the Draft LDR Proposal
ATTACHMENT A

Section 1. Incorporation of Existing Ordinances - The following previously adopted Ordinances are hereby incorporated into and shall hereafter be part of, the LDRs. This incorporation of existing Ordinances into the LDRs is without any change to these existing Ordinances:

a) Ordinance 2007-10 – Excavation Management;

b) Ordinance 2012-06 – Phosphate Mining;

c) Ordinance 2012-05 – Land Spreading and Hauling of Biofuels; and


Section 2. Interpretation – Sections 1410C and D are amended to read as follows:

Section 1410 Interpretation

C. In the event that any questions arise concerning application of regulations, performance standards, definitions of this LDR, the Director of Development shall be responsible for interpretation. Responsibility for interpretation by the Director shall be limited to standards, regulations, and requirements of the LDR; such responsibility shall not be construed to include interpretation of any technical codes adopted by reference. Interpretations must be based on and be consistent with the LDRs, and do not include waivers of specific LDR requirements, standards or regulations, unless specifically authorized in these LDRs. Further, responsibility for interpretation shall not be construed to substitute for any rights or responsibilities assigned to any commission, board, or official named in other sections of the LDR. The officials shall rely upon policies adopted in the DeSoto County Comprehensive Plan in making any such interpretation.

D. It is the intent of the Board of County Commissioners that this LDR be interpreted and applied in a manner which respects the property rights of owners and developers in the County, does not place an inordinate burden on any owner or developer, is consistent with the Right to Farm Act (Section 823.14, F.S.) as it may be subsequently amended, recognizes and protects the building code exemption for nonresidential farm buildings provided by Sections 553.73 and 604.50, F.S., as those provisions may be subsequently amended, and protects the public health, safety and welfare.
Option:

1. Add reference to Section 163.3162 (Agricultural Lands and Practices), 163.3163 (Agricultural Land Acknowledgment Act) and 633.226 (Farm Building Exemptions)

Section 3. Notice Requirements – The following Sections of Ordinance 2012-01 are amended to read as follows:

a) Section 12310(C)(1) Public Hearings (Special Exceptions)

C. Notice of the Public Hearing

1. Notice of the date, time and place of the public hearings by the Planning Commission and the Board of County Commissioners shall be sent at least 15 days in advance of the hearings by mail to ten (10) surrounding property owners or all owners of property within 800400 feet of the property lines of the land for which the Special Exception is sought, whichever is greater. For the purposes of this requirement, the names and addresses of property owners used for mailing shall be those listed in the records of the DeSoto County Property Appraiser’s Office. Where the property for which the Special Exception is sought is part of, or adjacent to, land owned by the applicant, the 800400 foot distance shall be measured from the boundaries of the entire ownership.

b) Section 12409(C)(1) Public Hearings (Variances)

C. Notice of the Public Hearing

1. Notice of the date, time and place of the public hearing by the Board of Adjustment shall be sent at least 15 days in advance of the hearing by mail to ten (10) surrounding property owners or all owners of property within 800200 feet of the property lines of the land for which the variance is sought, whichever is greater. For the purposes of this requirement, the names and addresses of property owners used for mailing shall be those listed in the records of the DeSoto County Property Appraiser’s Office.

c) Section 12508(C)(1) (Rezoning and LDR Amendments)

C. Notice of the Public Hearings
1. Notice of the time and place of the public hearings by the Planning Commission and Board of County Commissioners shall be sent at least 15 days in advance of the hearings by mail to ten (10) surrounding property owners or all owners of property within 800 feet of the property lines of the land for which the rezoning is sought, whichever is greater. For the purposes of this requirement, the names and addresses of property owners used for mailing shall be those listed in the records of the DeSoto County Property Appraiser’s Office. Where the property for which the rezoning is sought is part of, or adjacent to, land owned by the applicant, the 800 foot distance shall be measured from the boundaries of the entire ownership.

Options:

1. Increase the number of persons and/or distance which must receive notice

2. Add a requirement that if there is a homeowner’s association or condo association that is responsible for the property being rezoned or for which a Special Exception is sought, they must also receive notice. (If this is added there will have to be a requirement for these associations to register with the County so that the County will know when this additional notice must be given)

3. Add a requirement that if the recipient’s property is part of a subdivision, the recipient should advise the HOA or condominium association of receipt of this notice

Section 4. Minor Special Exceptions – Section 12303A of Ordinance 2012-01 is amended to read as follows:

Section 12303 Staff Review

A. Upon receipt of an application for Special Exception, the Development Director shall determine whether the application is complete. The Development Director may waive some or all of the plans required by Section 12302(A)(1) if the Special Exception includes only a change in use without any new construction. If the application is complete, it will be accepted for review. If the application is incomplete, the Development Director shall specify in writing the additional information required in order for the application to be processed. No further action shall be taken on the application until the additional information is submitted and determined to be complete.
Section 5. Minor Variances of Setbacks - Section 7101 of Ordinance 2012-01 is amended to add a new paragraph D to read as follows:

Section 7101 Setbacks

A. Minimum Distance Between Buildings
   
   1. The minimum distance between adjacent buildings shall be 10 feet.

   2. Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment, or an accessory use, and shall not include roof overhang (eave).

B. Minimum Setbacks for Buildings Exceeding 25 Feet In Height

Exception for non-residential uses, when a building exceeds 25 feet in height, the minimum distance from an adjacent building or property line shall be increased by 2 feet for each story above 2.

C. Exception to Required Front Yard Setbacks

In all zoning districts, corner lots of record which do not meet minimum area requirements shall be required to meet only one (1) full depth front yard and all other front yards may be reduced by 50%.

D. The Development Director may grant a waiver of up to ten percent (10%) or two (2) feet, whichever is less, in the minimum setback requirements identified in paragraphs A1 and B, above, as well as the side yard and back yard setbacks for each of the Zoning Districts identified in Article 2, provided that the requirements of the Florida Fire Prevention Code and Chapter 633, Part II, Florida Statutes, are met.

Options:

1. Eliminate this entirely and continue to have the Board of Adjustment decide all setback variance requests

2. Prohibit any setback variance

3. Allow Development Director discretion but vary the percentage and number of feet
Section 6. Quasi Judicial Hearing Process – Section 12000 of Ordinance 2012-01 is amended to add new Sections 12020 through 12023 to read as follows:

Section 12020 Quasi Judicial Procedures

Section 12021 Scope and Applicability

A. These procedures shall apply to all quasi judicial hearings held by the Board of County Commissioners, the Planning Commission, and any other Board or Commission which holds quasi judicial hearings. The County Attorney shall determine which matters are quasi judicial in nature and shall direct the Board clerk to designate such matters on the agenda.

B. The Chairman or other presiding officer shall conduct the proceedings and maintain order. Hearings shall be conducted informally, but in a courteous and professional manner.

C. Failure to strictly adhere to these procedures shall not invalidate any action of a County Board or Commission.

Section 12022 Preliminary Matters

A. The County Attorney shall represent the Board of County Commissioners, the Planning Commission, or other County Board or Commission, rule on all evidentiary and procedural issues and objections, and advise the County Board or Commission as to the applicable law and necessary factual findings.

B. In all quasi judicial proceedings, the applicant shall bear the burden of demonstrating by competent and substantial evidence that the application satisfies the standards and requirements of the LDRs and the Comprehensive Plan.

C. Prior to the start of any quasi judicial hearing, each Board or Commission member shall disclose any ex parte communications which should be brought to the attention of the public and the Board or Commission.

D. Anyone wishing to testify must complete a card and present it to the Board or Commission clerk. The purpose of testimony is to present evidence which may be considered by the Board or Commission, not to ask questions of County staff or the applicant.

E. Anyone wishing to testify must declare that he or she will testify truthfully by taking an oath or affirmation prior to testifying.
F. At any time during the proceedings, any member of the Board or Commission, or the County Attorney, may ask questions of the applicant, witness, or county staff.

G. All decisions by a County Board or Commission shall be based on the record of the evidence presented to it at the hearing, which shall include testimony of all witnesses, and other evidence presented. Strict rules of evidence shall not apply, but evidence must be relevant to the issues before the County Board or Commission.

Section 12023 Presentation and Hearing

A. The hearing shall be conducted in the following manner:

1. Open hearing,
2. County staff presentation of staff report,
3. Applicant presentation in support of application,
4. Other proponents of the application,
5. Opponents of the application,
6. Rebuttal by applicant,
7. Close hearing and commence deliberations.

B. Cross Examination of Witnesses: After each witness testifies, cross examination of the witness is permitted by County staff and the applicant or applicant's representative about matters to which the witness testified. Members of the public are not permitted to cross examine witnesses.

C. Presiding Officer: The Chairman or presiding officer shall at all times control the conduct of the hearing, may set time limits on testimony, and may exercise his or her discretion regarding the order of presentation of testimony.

Options:

1. Allow cross-examination of witnesses by members of the public (delete Section 12023B)

2. Allow members of the public to cross examine, as long as they can then be cross examined by the applicant and County staff
Section 7. Industrial Heavy Zoning District - Sections 2318A(1) and (3) of Ordinance 2012-01 are amended to read as follows:

Section 2318 Industrial Heavy District (IH)

The intent of the Industrial Heavy District (IH) is to provide areas for intensive manufacturing, processing and assembly uses. **Residential uses are prohibited except for the limited purpose of supporting an on-premises operation.**

A. USES AND STRUCTURES: No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

1. Permitted Principal Uses and Structures:
   
   a. Body shops, mechanical repairs, building supply.
   
   b. Clothing fabrication, commercial and private parking lots and parking garages, contractors' equipment storage yards, coal and wood yards, heavy equipment, truck and recreational vehicle storage yards.
   
   c. Gasoline service stations including those engaged in mechanical work.
   
   d. Kenneling, stabling, animal clinics, veterinary hospitals.
   
   e. All permitted uses in the IL and CG Districts.
   
   f. Manufacturing, warehousing, storing, fabrication, processing, canning, packing, marinas, commercial boat houses, commercial boat storage, boat building, boat yards and commercial fisheries; medical clinics; miscellaneous uses, such as express office, telephone exchange, motor bus, truck, railroad or other transportation terminal and related uses.
   
   g. Railroad siding, repair shops, research and design labs, food stores and restaurants including drive-in and fast foods.
   
   h. Agricultural produce transfer station and packing facility (non-livestock).
   
   i. Car and truck wash.
j. Construction office, including one within a travel trailer, mobile home or similar structure.

Option:

Eliminate “travel trailers”?

k. Marinas, boat yards and ways marine construction yards, boat sales, service and repairs.

l. Asphalt, concrete, stone, paver, tile and cement plants and facilities, saw mills.

m. Sales, storage, repair and service of vehicles, trucks, heavy equipment and aircraft; wrecker and towing services; service establishments catering to commerce and industry including linen supply, freight movers, building trades contractors, communication services, business machine warehousing and services, canteen services, storage yards, truck terminals.

def. Wholesale establishments, warehousing, bulk storage, distribution facilities.

e. Junk yards, sheet metal shops, garbage disposal service, boat storage, scrap metal and recycling centers and facilities, power plants, chemical plants, plastics plants, fertilizer plants; foundries and smelters, solid waste transfer stations.

p. Radio and TV stations transmitting and receiving facilities, communication towers and related installation and repair services.

q. Sexually Oriented Entertainment Establishment (with permit required according to Section 14400).

r. Any other intensive commercial, industrial or manufacturing use which is comparable in nature with the foregoing uses.

3. Special Exception Uses and Structures:

a. Agricultural activities, provided that the property continues to be assessed as IH and that no exemption from taxation results from the special exception;
Options:

1. Allow agricultural activities as a Permitted Principal Use.

2. Allow agricultural activities as an Accessory Use if there is a Permitted Principal Use on the property.

3. Clarify the new language to specifically state that as a condition of SE the property owner will not apply to the Property Appraiser for agricultural classification under Section 193.461, Florida Statutes.

ba. Manufacturing: Involving primary production of the following products from raw materials: gelatin, animal glue and size, gas manufacturing; unless incidental to a principal use, turpentine, matches, rubber, soaps, fat rendering.

cb. Processing: Involving the following: curing or tanning or raw green or salt hides or skins; stockyards, slaughter houses, slag piles, ammonia, and storage of fireworks or explosives.

dc. Wholesale storage of gasoline, liquefied petroleum gas, oil, or other flammable liquids or gases, but not located within five hundred (500) feet of the nearest residential district.

dd. Recreational facilities not accessory to principal uses.

dfe. Drag strips and race tracks.

dgf. Indoor and outdoor firing ranges, airports and landing fields, public utility transmission facilities.

dhg. Storage of agricultural vehicles not used on site.

dih. Any use comparable in nature with the foregoing uses and which the Development Director determines to be compatible with the district.
Section 8. Industrial Light Zoning District – Section 2317A(1) and (3) of Ordinance 2012-01 are amended to read as follows:

Section 2317 Industrial Light District (IL)

The intent of this District is to permit light manufacturing, processing, storage and warehousing, wholesaling and distribution. Residential uses are prohibited except for the limited purpose of supporting an on-premises operation.

Service and commercial activities relating to the character of the District and in support of activities conducted in the District are permitted. Certain commercial uses related to automotive and heavy equipment sales and repair are permitted, but this District is not intended for commercial development.

A. PERMITTED USES AND STRUCTURES: No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

1. Permitted Principal Uses and Structures:
   a. Bulk storage yards, not including bulk storage of flammable liquids.
   b. Light manufacturing, processing (including food processing, but not slaughter house), packaging or fabricating in completely enclosed building.
   c. Medical clinic, miscellaneous uses such as express office, telephone exchange, motor bus, truck, railroad or other transportation terminal and related uses; railroad siding.
   d. Outdoor storage yards and lots, provided such outdoor storage yard shall not be located closer than 25 feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, by an opaque fence or wall not less than 6 feet high; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yard), junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or second-hand automotive vehicle parts.
   e. Printing, lithographing, publishing or similar establishments.
   f. Retail sale, rental or repair of automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive parts and
accessories (but not junk yards or automotive vehicle wrecking yards), heavy machinery and equipment, farm equipment; car wash; retail establishments for sale of farm supplies, lumber and building supplies, monuments and similar uses; marinas, boat yards and ways; parking lot.

g. Vocational, technical, trade or industrial schools and similar uses; services establishments catering to commerce and industry including linen supply, laundry or dry clean processing, coin operated laundries, freight movers, building trades contractors, communication services, business machine services, canteen services, restaurant (including drive-in restaurant), hiring and union halls, employment agency, sign company and similar uses.

h. Wholesaling, warehousing, storage or distribution establishments and similar uses.

i. Construction office, including one within a travel trailer, mobile home or similar structure.

Option:

Eliminate "travel trailers?"

j. Restaurants.

k. Commercial radio and TV receiving facilities.

l. Sexually Oriented Entertainment Establishment (with permit required according to Section 14400).

m. All permitted uses in the CG District and any other light industrial, manufacturing or commercial use which is comparable in nature with the foregoing uses.

3. Special Exception Uses and Structures:

a. Agricultural activities, provided that the property continues to be assessed as IL and that no exemption from taxation results from the special exception:

Options:

1. Allow agricultural activities as a Permitted Principal Use
2. Allow agricultural activities as an Accessory Use if there is a Permitted Principal Use on the property.

3. Clarify the new language to specifically state that as a condition of SE the property owner "will not apply" to the Property Appraiser for agricultural classification under Section 193.461, Florida Statutes.

b. All permitted principal uses and structures in the IH District.

c. House of Worship.

d. Flea market, drag strips and race tracks.

e. Indoor and outdoor firing range.

f. Saw mills.

g. Sales and repair or heavy trucks and equipment.

h. Storage of agricultural vehicles not used on site.

i. Organic fertilizer manufacture.

j. Any use comparable in nature with the foregoing uses and which the Development Director determines to be compatible with the district.

Section 9. Commercial General Zoning District – Sections 2315A(1) and (3) of Ordinance 2012-01 are amended to read as follows:

Section 2315 Commercial General District (CG)

The intent of the Commercial General District (CG) is to permit a greater variety of commercial services and scale than the Commercial Neighborhood District (CN) and is intended to serve a large trade area of the community. The intent is to accommodate the motoring public as well as the local pedestrian traffic.

A. USES AND STRUCTURES: No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

1. Permitted Principal Uses and Structures:
a. Single-Family Residence (must be in same structure occupied by commercial use).

b. Any use permitted in the Commercial Neighborhood District (CN).

c. Indoor Retail Sales, indoor or outdoor auto sales and boat sales, and indoor or outdoor produce sales.

d. Child care centers.

e. Animal hospitals and veterinary clinic (no outside kennels).

f. Service clubs.

3. Special Exception Uses and Structures:

   a. **Agricultural activities, provided that the property continues to be assessed as CG and that no exemption from taxation results from the special exception:**

**Options:**

1. **Allow agricultural activities as a Permitted Principal Use**

2. **Allow agricultural activities as an Accessory Use if there is a Permitted Principal Use on the property.**

3. **Clarify the new language to specifically state that as a condition of SE the property owner will not apply to the Property Appraiser for agricultural classification under Section 193.461, Florida Statutes.**

b. Auto body repair and painting; Go Cart track.

c. Flea Markets.

d. Indoor firing ranges.

e. House of Worship.

f. Bar, cocktail lounge or other establishment which sells alcoholic beverages for consumption on premises.
g. A bottle club or like establishment which sells ice, mixers or other alcoholic beverage accompaniments for consumption on premises.

h. All permitted principal uses and structures in IL Districts.

Section 10. Agricultural 10 District (A-10) – Sections 2304A(1) and (3) of Ordinance 2012-01 are amended to read as follows:

Section 2304 Agricultural 10 District (A-10)

A. USES AND STRUCTURES: No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

1. Permitted Principal Uses and Structures:

a. One (1) single-family dwelling or Residentially Designed Manufactured Home per parcel; family day care home.

b. Agricultural uses and related uses such as but not limited to: animal breeding, training, stabling; bee keeping; livestock grazing; field crops; fruit and nut production; forestry; gardening; aquaculture and commercial fisheries; aviary; egg and milk production; poultry production; citrus packing; feed lots; livestock sales facilities.

c. Wildlife management areas, plant and wildlife conservancies, refuges and sanctuaries for domestic or non-exotic animals; botanical gardens.

d. Wholesale plant nurseries, greenhouses, and accessory of garden supplies.

e. Sale of Agricultural products, roadside produce stands.

f. Utility grade solar power plant.

g. Agricultural buildings such as but not limited to: barns, feed storage sheds, animal storage buildings, and agricultural equipment storage buildings.
h. Agricultural Support Mobile Home (one only) on a parcel of land no smaller than 40 acres, having an agricultural classification for ad valorem tax purposes, and occupied by a family supporting the agricultural operation.

i. Bed and Breakfast, agri-tourism related development.

j. Veterinary hospital and clinic.

k. Wholesale agricultural produce transfer stations (temporary use or permanent).

l. Hunting cabin on a parcel of land no smaller than 40 acres.

m. Private docks.

n. Primitive tent camping for recreational, non-commercial purposes, that is provided to the general public (1) without a fee; (2) without any associated water and/or sanitary facilities or improvements; and (3) has a maximum of 2 primitive camping sites per acre; and (4) is limited to no more than seven days per calendar month.

o. The parking or storage of agricultural equipment and vehicles used for bona fide agricultural purposes by the property owner or lessee.

3. Special Exception Uses and Structures:

a. Agriculturally related processing, canning or packing plant; slaughter houses; sawmills; headquarters for off-site agricultural operations; agricultural support housing (see Section 8009).

b. Aviation facilities.

c. Communication transmitting and receiving facilities, non-occupied - minimum setback from any property boundary line equal to 100% of proposed tower height.

d. Drag Strips and Race Tracks.

e. Oil and gas exploration, extraction, production and processing, sanitary landfills.

f. Firing Range (indoor or outdoor).
g. Kenneling.

h. House of Worship.

i. Recreation and Leisure such as but not limited to parks and playgrounds; sports arenas; community and recreation centers; libraries; museums; marinas and/or boat rental facilities; zoo; sale of alcoholic beverages in connection with a restaurant in a golf course clubhouse.

j. **One (1) recreational vehicle or tent used for recreational, non-commercial purposes on a minimum of ten (10) acres, and a second recreational vehicle or tent used for recreational, non-commercial purposes on a parcel of twenty (20) acres or more, that is/are located a minimum of 500 feet from any single family dwelling or residentially designed mobile home, provided that conditions concerning water, sanitary facilities, garbage disposal, electric connections, fire safety and prevention, and access for code enforcement inspections are met.**

**Options:**

1. **Keep as Special Exception but put a time limit on use (i.e.) "x" days per week, month or year, etc.**

2. **Keep this as a Special Exception but modify some of the conditions**

3. **Specifically Prohibit RVs entirely in A-10 and A-5 except as an Accessory Use**

4. **Allow RVs in A-10 and A-5 as a Permitted Use**

5. **Make no changes to existing language [Planning Commission recommends this Option]**

k. Golf Course.

l. Excavation (other than phosphate) and related processes, earthmoving.

m. Other similar uses which are comparable in nature with the foregoing.
Section 11. Agricultural 5 District (A-5) – Sections 2305A(1) and(3) Ordinance 2012-01 are amended to read as follows:

Section 2305 Agricultural 5 District (A-5)

A. USES AND STRUCTURES: No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

1. Permitted Principal Uses and Structures:
   a. One (1) single-family dwelling or Residentially Designed Manufactured Home per parcel; family day care home.
   b. Agricultural uses and related uses such as but not limited to: animal breeding, training, stabling; bee keeping; livestock grazing; field crops; fruit and nut production; forestry; gardening; aquaculture and commercial fisheries; aviary; egg and milk production; poultry production.
   c. Wildlife management areas, plant and wildlife conservancies, refuges and sanctuaries for domestic or non-exotic animals; botanical gardens.
   d. Wholesale plant nurseries, greenhouses, and accessory of garden supplies.
   e. Sale of Agricultural products, roadside produce stands
   f. Utility grade solar power plant.
   g. Agricultural buildings such as but not limited to: barns, feed storage sheds, animal storage buildings, and agricultural equipment storage buildings.
   h. Agricultural Support Mobile Home (one only) on a parcel of land no smaller than forty (40) acres, having an agricultural classification for ad valorem tax purposes, and will be occupied by a family supporting the agricultural operation.
   i. Bed and Breakfast, agri-tourism related development.
   j. Veterinary hospital and clinic.
k. Wholesale agricultural produce transfer station (temporary use or permanent).

l. Hunting cabin on a parcel of land no smaller than 40 acres.

m. Private docks.

n. Primitive tent camping for recreational, non-commercial purposes, that is provided to the general public (1) without a fee; (2) without any associated water and/or sanitary facilities or improvements; and (3) has a maximum of 2 primitive camping sites per acre; and (4) is limited to no more than seven days per calendar month.

o. The parking or storage of agricultural equipment and vehicles used for bona fide agricultural purposes by the property owner or lessee.

3. Special Exception Uses and Structures:

a. Agriculturally related processing, canning or packing plant; slaughter houses; citrus packing; feed lots; sawmills; headquarters for off-site agricultural operations; livestock sales facilities; agricultural support housing (see Section 8009).

b. Aviation facilities.

c. Communication transmitting and receiving facilities, non-occupied - minimum setback from any property boundary line equal to 100% of proposed tower height.

d. Drag strips and race tracks.

e. Oil and gas exploration, extraction, production and processing; sanitary landfills; earthmoving.

f. Firing range (indoor or outdoor).

g. Kenneling.

h. House of Worship.

i. Recreation and Leisure uses such as but not limited to: parks and playgrounds; sports arenas; community and recreation centers; libraries; museums; marinas and/or boat rental facilities; zoo, sale
of alcoholic beverages in connection with a restaurant in a golf course clubhouse.

1. **One (1) recreational vehicle or tent used for recreational, non-commercial purposes on a minimum of five (5) acres, and a second recreational vehicle or tent used for recreational, non-commercial purposes on a parcel of twenty (20) acres or more, that is/are located a minimum of 500 feet from any single family dwelling or residentially designed mobile home, provided that conditions concerning water, sanitary facilities, garbage disposal, electric connections, fire safety and prevention, and access for code enforcement inspections are met.**

**Options:**

1. **Keep as Special Exception but put a time limit on use (i.e., “x” days per week, month or year, etc.)**

2. **Keep this as a Special Exception but modify some of the conditions**

3. **Specifically Prohibit RVs entirely in A-10 and A-5 except as an accessory use**

4. **Allow RVs in A-10 and A-5 as a Permitted Use**

5. **Make no changes to existing language (Planning Commission recommends this option)**

- **k.** Golf Course.

- **l.** Excavation (other than phosphate) and related processes; earthmoving.

- **m.** Other similar uses which are comparable in nature with the foregoing.

**Section 12. “E” Zoning Districts** – Ordinance 2012-01 is amended to delete Section 2105 (Designation of “E” Established as Related to Zoning District Maps) in its entirety.

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Section 13. Use and Location of Buffers – Section 7506C of Ordinance 2012-01 is amended to read as follows:

Section 7506 Use and Location of Buffers

C. General location and design requirements:

1. Buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.

2. Buffers shall not be located on any portion of an existing, dedicated, proposed right-of-way, road easement, or private street.

3. Where an existing utility easement is partially or wholly within a required buffer, the developer should design the buffer to eliminate or minimize plantings within the easement. Such design may necessitate choosing a buffer with more land area and fewer required plantings.

4. Where a proposed development is a mixed use project, buffers shall not be required between various constituent parts except that any nonresidential use shall be separated from residential use by the minimum required buffer. It is the intent to allow flexibility of design within the confines of a mixed use development, but to nevertheless require buffering of a proposed residential portion of the project from potential negative impact of a proposed nonresidential portion of the project.

5. Except for property zoned IR or IL, buffers may be reduced in height or density in order to avoid obstructing the view from the right of way of commercial, professional, retail or other similar uses, or of equipment, produce or other commercial or retail products displayed outside of such businesses or offices.

Section 14. Fences – Section 8004 of Ordinance 2012-01 is amended to read as follows:

Section 8004 Fences and Walls

A. All fences and walls to be built shall comply with the Florida Building Code. Fences, walls or hedges may be located in any district in all front, side and rear yards.

B. Except in agricultural, commercial and industrial zoning districts, no fences, walls or hedges may exceed 4 feet in height when placed in the front setback and no
fence, wall or hedge located in the side and rear yard setbacks may exceed the height of 8 feet.

C. In areas where the property faces 2 roadways or is located in any other area construed to be a corner lot, no fence, wall or hedge shall be located in the vision triangle.

D. A fence or wall required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed height standards may be given by the Director of Development upon receipt of satisfactory evidence of the need to exceed height standards.

E. No fence, wall or hedge shall be constructed or installed in such a manner as to interfere with drainage on or adjacent to the site.

F. The design, construction material, and color of fences and walls shall be in keeping with neighborhood appearance and the use of the property. Materials such as corrugated or sheet metal or any scrap or offensive materials are not permitted.

Options:

1. Eliminate the prohibition on use of corrugated or sheet metal for fencing

2. Place restrictions or conditions on the use of corrugated or sheet metal for fencing

Section 15. Off-Street Parking Areas — Sections 7501 and 7508 of Ordinance 2012-01 are amended to read as follows:

Section 7501 Intent

The intent of this section is to provide for required landscaping in certain developments for the purpose of enhancing the appearance of developed areas of the County. Buffers provide spacing and vegetative barriers that reduce potentially adverse impacts such as noise, odor, light or appearance. **Landscaping is required in off-street parking areas in order to promote safe and efficient use of the facilities.**

This section contains standards for required buffers between adjacent uses, **landscape requirements for off-street parking areas,** and general maintenance requirements that apply to all landscaped areas.
Section 7508  Off-Street Parking Areas

All off-street parking areas, except single-family and duplex structures, shall meet the following landscape requirements:

A. A permit shall be required for development or redevelopment of any off-street parking area to serve an existing use. Such permit is required when the parking area is redeveloped separately from the existing use, or is not part of a development order application process.

B. An off-street parking area that abuts a public right-of-way shall include a landscaped strip on the perimeter of the parking area adjacent to the right-of-way. This landscaped strip shall be the same as Buffer "A" as provided for in Figure 7-4; provided, however, that except for property zoned IH or IL, such buffer may be reduced in height to avoid obstructing the view from the right of way of commercial, professional, retail or other similar uses, or of equipment, produce or other commercial or retail products displayed outside of such businesses or offices.

C. In addition to landscaping required in Section 7508B, additional landscaping equal to 10% of the total off-street parking area shall be provided in the interior of the parking area. Perimeter landscaping beyond the minimum required may be counted as part of the interior landscaping requirement. Interior landscaping may be in one or more areas to total the 10% requirement. Interior landscaping shall include at least one tree for each 400 square feet, or fraction thereof, of interior landscaped area.

D-C. Off-street parking areas that abut an area designated, approved, or developed for residential use shall provide a landscaped strip along the perimeter of the parking area adjacent to the residential area. This landscaped strip shall be the same as Buffer "B" provided for in Figure 7-5 of the LDRs; provided, however, that except for property zoned IH or IL, such buffer may be reduced in height to avoid obstructing the view from the right of way of commercial, professional, retail or other similar uses, or of equipment, produce or other commercial or retail products displayed outside of such businesses or offices.

E-D. All landscaped areas required in this section shall be protected from encroachment by a barrier such as curbs, wheel stops, or similar devices.

E-E. All parking spaces adjacent to any structures shall be separated from that structure by a minimum five-foot buffer.
Section 16. Parking or Storage of Commercial Vehicles in Residential Districts – Current Section 2202 of Ordinance 2012-01 is deleted and new Section 2202 is adopted to read as follows:

Section 2202 Parking or Storage of Commercial Vehicles in Residential Districts

A. Residential District Commercial Vehicle Parking Prohibited

Except as provided in Sections 2202B, C and D below, parking, storing, repairing or keeping of one or more commercial vehicle(s) and equipment regulated by this Section on any lot or parcel within a residential district (RSF, RM, RMF, and RMFM zoning districts) is prohibited. For purposes of this Section 2202, the following vehicles are absolutely prohibited and are not commercial vehicles as that term is used in this Section 2202: dump trucks, tractor and trailer rigs (either as one unit or separately), vehicles having more than two axles on the road, and similar vehicles or equipment not ordinarily used for personal transportation.

B. Residential District Commercial Vehicle Parking Allowed for Lots Meeting Minimum Lot Size

The following shall be allowed to be parked or stored in a residential district on property meeting the minimum lot size as follows:

1. The temporary parking or storage of construction equipment, vehicles or shipping containers, which are not affixed to the ground on private land in residential districts where construction is underway, and for which a current and valid Building permit or other development permit has been issued by the County and is displayed on the premises, or involves improvements allowed by the LDR.

2. Any vehicle owned by a public or private utility provider when used in the event of emergencies requiring immediate attention.

3. The parking or storage of agricultural equipment and vehicles on private land used for bona fide agricultural purposes by the property owner or lessee.

4. The storage of commercial vehicles or lawn maintenance equipment within an enclosed structure.
5. The parking or storage and routine maintenance of one commercial vehicle where the commercial vehicle is used by a resident of the premises if the commercial vehicle has a load capacity of less than two tons, is less than 9 feet high (including the load, bed and box) and is less than 30 feet long.

6. For RM zoning districts whose principal use is residential, two commercial vehicles may be parked or stored on the property, and routine maintenance performed, if they are used by a resident of the premises, if each commercial vehicle is parked a minimum of 20 feet from all property boundaries and if the commercial vehicles each have a load capacity of less than two tons, are each less than 9 feet high (including the load, bed and box) and are each less than 30 feet long. Upgrades to the culvert, driveway and apron may be required at the discretion of the County Engineer.

C. Special Exceptions for Lots Not Meeting Minimum Lot Size

The parking of a commercial vehicle with a load capacity of less than two tons, less than 9 feet high (including the load, bed and box) and less than 30 feet long, in residential zoning districts on property not meeting minimum lot size may be approved as a special exception provided the requirements listed below are met. Applications for a special exception pursuant to this Section are to be reviewed in accordance with the criteria and procedures for special exceptions set forth in Article 12.

1. Only one commercial vehicle, equipment or shipping container, as regulated by this Section, shall be permitted on any residential lot or parcel.

2. Commercial vehicles shall be currently registered or licensed.

3. The parking of said vehicle does not have a negative impact to the health, safety or welfare of adjacent properties.

4. Commercial vehicles must be parked on the same property occupied by the owner or operator of the vehicle.

5. The vehicle shall not be parked in the front yard of the residence.

6. The parking area shall be at least 20 feet from all property boundaries.

7. The vehicle shall park in a manner so that the minimum amount of vehicle surface is facing the road adjacent to the property.
8. All driveway improvements are the responsibility of the property owner. A commercial driveway, apron, and culvert upgrades may be required at the discretion of the County Engineer.

9. Refrigerator units on vehicles shall not be operated on the site.

10. Approvals shall be valid for one year, or for a shorter period as specified by the Board of County Commissioners. Approvals may be administratively renewed, with proper application, following notice provided to the Development Director no less than 30 days prior to the expiration date, if the commercial vehicle location is consistent with the Land Development Regulations and conditions of approval. The applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved special exception and this Section.

D. Special Exceptions for Larger Commercial Vehicles

1. Commercial vehicles with a load capacity of more than two tons, and/or are more than 9 feet high (including the load, bed and box), and/or are more than 30 feet long, may be allowed in residential zoning districts by special exception provided that they meet the criteria and follow the procedure for special exception approval provided in Article 12, and provided further that dump trucks, tractor and trailer rigs (either as one unit or separately), vehicles having more than two axles on the road, and similar vehicles or equipment not ordinarily used for personal transportation are not allowed by special exception in residential districts.

2. Approvals shall be valid for one year, or for a shorter period as specified by the Board of County Commissioners. Approvals may be administratively renewed, with proper application, following notice provided to the Development Director no less than 30 days prior to the expiration date, if the commercial vehicle location is consistent with the Land Development Regulations and conditions of approval. The applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved Special Exception and this Section.
Section 17. Parking and Storage of Vehicles on Vacant Property – Section 2203

of Ordinance 2012-01 is amended to add Section 2203B as follows:

Section 2203 Parking and Storage of Certain Vehicles

A. Automotive vehicles or trailers, of any type, without current license plates shall not be parked or stored outdoors in any residential zoned district.

B. Parking or storage of motor vehicles of any kind is prohibited on vacant property in the RSF, RM, RMF, RMFM, and ROI zoning districts.

Options:

1. Remove RM from the prohibition of “parking or storage” on the remaining vacant residential properties

2. Prohibit “parking”, but allow “storage” of motor vehicles on vacant property in the RM zoning districts.

3. Put a period after “Vacant property in the RSF, RM, RMF, RMFM, and ROI zoning districts” in the new language above, and strike "Planning Commission recommends this Option!"

Section 18. Stormwater Management – Sections 7402 and 7403 of Ordinance 2012-01

are amended to read as follows:

Section 7402 Exemptions

The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

A. The construction of a single family or duplex residential dwelling unit and accessory structures.

B. Any development within a subdivision if each of the following conditions have been met:

a. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and

b. The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.
C. Bona fide agricultural activity which has a permit or is exempt from permitting from SWFWMD or FDEP.

D. Maintenance activity that does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.

E. Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes or other hazards. A report of the emergency action shall be made to the Department of Development as soon as practical.

F. Any development for which stormwater management permits required by Federal, State, or Southwest Florida Water Management District regulations have been issued.

Section 7403 Stormwater Protection Requirements

All Development Plans (including single and duplex residential) shall provide that any additional stormwater generated by improvements will not run-off on adjacent properties. The first floor elevation of principal structures located in planned subdivisions shall be located at least 18 inches above the average height of the street crown.

Section 19. Submerged Land – Section 2104 of Ordinance 2012-01 is amended to read as follows:

Section 2104 Submerged Land

Land which is normally under water during the dry season shall be calculated as a part of a lot in determining the minimum lot or yard required. When reasonable and appropriate given the configuration of the lot and the submerged portion thereof, the Development Director may measure setbacks from the edge of the submerged portion of the lot rather than the lot boundary.

Option:

Eliminate the proposed new language
Section 20. *Floodplain Regulations* – Sections 12200 (Administration and Enforcement of Floodplain Regulations), and 14300 (Flood Damage Prevention) of Ordinance 2012-01 are hereby repealed and Section 12407 is amended to read as follows:

Section 12407 Special Provisions Where Variance is Sought to Requirements to Floodplain Management Requirements Damage-Prevention-Regulations

Variance to floodplain management requirements shall be applied for and considered in accordance with Section (to come when the new floodplain ordinance is incorporated into the LDRs)

A. Additional Finding

In addition to the findings required in Section 12404, when considering an application for a variance to the flood damage prevention regulations, the Board of Adjustment shall find that the requested variance will not result in an increase in the elevation of the Base Flood, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances.

B. Considerations

Before granting a variance to flood damage prevention provisions of the LDRs, the Board of Adjustment shall consider:

1. The danger that materials may be swept from the site onto other lands.

2. The danger to life and property from flooding or erosion.

3. The potential of the proposed facility and its contents to cause flood damage and the effect of that damage on the owner and the public.

4. The importance of the services provided by the proposed facility to the community, and whether it is a functionally-dependent facility.

5. The availability of alternative locations, not subject to flooding or erosion, for the proposed use.

6. The compatibility of the proposed use with existing and anticipated neighboring development.

7. The relationship of the proposed use to the comprehensive plan and floodplain-management program for the area.

8. Safe vehicular access to the property in times of flood.
9. The expected heights, velocity, duration rate of rise and sediment transport of the flood waters and effects of wave action, if applicable, at the site.

10. The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities.

C. Special Restriction For Regulatory Floodways
Variances that would result in increased flood levels during the base flood shall not be issued within any Regulatory Floodway.

D. Flowage Easements
A variance that would result in increased flood damage on other property shall not be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a variance be granted that would increase the elevation of the Base Flood more than one foot.

E. Notification
All variances to the flood damage prevention regulations shall:

1. Specify the difference between the flood protection elevation and the elevation to which the structure is to be built.

2. State that the variance will result in increased premium rates for flood insurance up to an amount as high as $25.00 for $100.00 of insurance coverage.

3. State that construction below the Flood Protection Level increases risks to life and property.

Section 21. Nonconforming Structures and Uses of Structures - Section 8405C of Ordinance 2012-10 is amended to read as follows:

Section 8405 Nonconforming Structures and Uses of Structures

Where an existing structure could not be built under the LDRs by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued, subject to the following provisions:

C. If any nonconforming use of a structure, or structure and premises in combination, is abandoned, discontinued, or ceases for any reason (except when governmental action impedes access to the premises) for a period of 12 (twelve) consecutive months, the structure, or structure and premises in
combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

Section 22. Nonconformities Resulting from Government Action – Ordinance

2012-01 is amended to create Section 8410 of Ordinance 2012-01 as follows:

Section 8410 Nonconformities Resulting from Eminent Domain

A. If, as a result of a governmental taking, either by negotiation or condemnation, existing lots, parcels, or structure become nonconforming, the following provisions shall apply:

1. Existing buildings or site characteristics which become nonconforming or increase in nonconformity as a result of a taking, including but not limited to minimum lot size, setbacks, open space, off-street parking, landscape requirements, signs, and stormwater management, shall be required to meet LDR requirements to the greatest extent possible, to the satisfaction of the Development Director. Any further expansion or enlargement of a nonconformity shall be in accordance with all LDR requirements.

2. In granting any waiver to the LDRs, the Development Director shall:

   a. Determine that the requested waiver will not adversely affect visual, safety, aesthetic or environmental concerns of neighboring properties;

   b. Determine that the requested waiver does not adversely affect the safety of pedestrians or operators and passengers of motor vehicles; and

   c. Preserve required off-street requirements to the greatest extent practicable. The reconfiguration, reduction, or removal of landscape or open space requirements may be considered to preserve off-street parking.

3. Any alteration, repairs, or rehabilitation work necessitated by a governmental taking may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the entire building, structure, plumbing, electrical, mechanical or gas system to comply with all the current requirements provided that the work conforms to the requirements of the applicable codes for new construction.
4. The condemning authority or the property owner may apply for waiver or variances necessary to replace the structure or site improvements affected by the eminent domain action.

5. Nothing in this section precludes the owner or the condemning authority from applying for a variance to the appropriate board where a waiver is denied or is not applicable.

B. This section shall not be used as a basis for granting a waiver or variance for a nonconforming use.

Section 23. Driveway Construction Requirements - Sections 14001A(19), C(2) and C(4) of Ordinance 2012-10 are amended to read as follows:

Section 14001 Construction Requirements

A. General Requirements

19. All culverts installed in County Right-of-Way shall have mitered ends with concrete collars, regardless of the culvert material type, size or speed limit on the roadway, and shall conform to specifications as set forth in the most recent FDOT Roadway and Traffic Design Standards Manual and the DeSoto County Standard Engineering Details. The Development Director upon the advice of the County Engineer shall have the authority to make exceptions to meet special or unique site conditions such as speed limit, cross slope of swale, width of the right-of-way, distance of the culvert off the edge of the pavement, and culvert material type.

C. Commercial Driveways

2. Three (3) sets of site plans prepared by an engineer registered in the State of Florida shall be submitted for review, along with a complete Right-Of-Way permit application as described in Section 14000. Upon approval, two (2) approved sets will be returned to the owner or a representative along with a driveway permit. The Development Director, upon the advice of the County Engineer, may modify this requirement (three site plans prepared by an engineer) for special or unique site conditions such as the rural nature of the site, low trip generation, proximity to road intersections or other driveways, speed limit on the roadway, location of objects such as fire hydrants in the right-of-way, and whether the driveway connects to a curved or straight roadway, provided that any such modification does not result in sight distance safety concerns.
4. Driveways for commercial and industrial sites and entrances to subdivisions shall be constructed using either reinforced concrete pipe culvert or high density polyethylene (HDPE). Such pipe shall have a minimum top length of thirty (30) feet and have side slopes which are safe and convenient to maintain. Joints shall be made according to FDOT specifications. **If HDPE pipe is used, it shall be approved by the County Engineer and shall be double-walled corrugated pipe, or approved equal, with a minimum of twelve (12) inches of cover.**

**Options:**

1. **Eliminate the requirement for mitred ends entirely**

2. **Require mitred ends only when the County Engineer certifies they are required due to special or unique conditions**

3. **Define the type of materials and methods to be used for mitred ends**

**Section 24. Driveway Maintenance** – Section 14002D of Ordinance 2012-01 is amended to read as follows:

**Section 14002 Driveway Maintenance**

D. If the County replaces an existing culvert on a residential or commercial driveway or performs any other work that requires the removal of existing concrete, asphalt or otherwise paved road, the County will restore the surface of the driveway with either lime rock or shell material. Replacement of the surface course is the responsibility of the property owner. The property owner must obtain a Right-Of-Way permit as described in Section 14000, but permit fees for replacement of previously existing surface courses following County construction shall be waived.

**Section 25. Access Points** - Section 7206B of Ordinance 2012-10 is amended to read as follows:

**Section 7206 Access**

B. Separation **Between** Access Points and Between Access Points and Intersections

1. The **minimum** separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in the following table:
Functional Class of Roadway | Separation Distance Between Access Points
--- | ---
Major Arterial | 300 Feet
Minor Arterial | 250 Feet
Major Collector | 185 Feet
Minor Collector | 140 Feet

2. The distance between access points or between an access point and an intersection of an arterial or collector with another road shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

**Section 26. Public Nuisances** - Section 12901A(5) of Ordinance 2012-10 is amended to read as follows:

**Section 12901 Public Nuisance Defined**

A. A public nuisance, under these LDRs shall mean any act, thing, occupation, condition or use of property which tends to annoy the community or injure the health of the citizens in general, is manifestly injurious to morals or manners of the citizens in general, or is otherwise specified in Chapter 823, Florida Statutes. Public nuisances shall include but not be limited to the following acts, conduct, omissions, conditions or things:

5. Vegetation:
   a. Which harbors or aids in harboring rats or other vermin.
   b. Which harbors or hosts diseases or insects which may reasonably be expected to injure other forms of life.
   c. Which by reason of its location or condition constitutes an imminent danger to any person or property.
   d. Which hinders the removal of accumulations of junk, garbage and debris.
   e. Which is located in areas other than those areas zoned Agricultural 10 (A-10), Agricultural 5 (A-5), or Phosphate Mining-Industrial
(PM-I), and which is unmanaged and in excess of ten (10) inches, provided that cultivated flowers, ornamental shrub or bushes, trees or food plants shall be presumed to be managed; provided further that property whose principal use is residential, is one acre or more, has a permitted structure located on the property and which maintains vegetation at ten (10) inches or less from the structure to the front and side property lines, is not in violation of this provision.

f. Which interferes with or obstructs the view or passage on any street, alley or other public way.

Options:

1. Require that the structure be a residence that is occupied
2. Require only that the structure be a "habitable", residential structure
3. Allow a greater length of grass, particularly in summer months

Section 27. Procedure for Obtaining Development Permits - Section 12005D(1) of Ordinance 2012-01 is amended to read as follows:

Section 12005 Procedure for Obtaining Development Permits

D. Applications for Development Permits shall satisfy all of the following requirements:

1. A valid Development Order shall be on file for the project. Applications for Development Permits shall be submitted to the Development Department and may be submitted simultaneously with application for Development Plan or Improvement Plan approval; however, permits shall not be issued until Development Plan or Improvement Plan approval is granted and the Development Order issued. The Development Director is authorized to approve or disapprove Development Plans and Improvement Plans upon a finding of completeness and compliance with the requirements of these Land Development Regulations; provided, however, that if the Development Director determines that final action on a particular Development Plan requires review and action by the Board, it shall be scheduled for Board action as soon as possible. Should an application for Development Plan or Improvement Plans approval be found incomplete, the Development Permit application shall not be processed.
Section 28. Development on Property with Code Violations – Section 12003 of Ordinance 2012-01 is amended to add a new paragraph F to read as follows:

Section 12003 Prerequisites To Issuance of Development Permit

A Development Permit may not be issued to any applicant that has any unsatisfied, adjudicated code enforcement violations as determined in accordance with Section 12800 (i.e.) unpaid fines, continuing violations, code enforcement liens. In addition, a Development Permit may not be issued unless the proposed development activity:

A. Is authorized by a Development Order issued in accordance with the LDRs.

B. Conforms to all relevant provisions of the LDRs.

C. Has prior approval of the Florida Department of Environmental Protection when there is utilization of State owned, sovereign, submerged lands.

D. Is located on a parcel that has access to a public road or is located on a functional private road that connects to a public road.

E. Is located on a parcel served by utility companies that supply electricity, water and sanitary sewer. The County may require certification of service availability by the utility company. If water is not provided by a utility company, a well may be used. If the well is regulated (any development other than a single family dwelling) a copy of the approved permit or certification issued by the regulating authority must be provided. If sanitary sewer is not provided by a utility company, a private onsite sewage treatment system may be used. A copy of the approved permit or certification issued by the regulating authority must be provided.

F. Is located on a parcel that does not have any unsatisfied, adjudicated code enforcement violations as determined in accordance with Section 12800 (i.e.) unpaid fines, continuing violations, code enforcement liens.

Section 29. Definition of Travel Trailer – Section 13200 of Ordinance 2012-01 is amended to update the definition of “Travel Trailer” as follows:

TRAVEL TRAILER. A travel trailer is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and
vacation purposes, which: (1) is identified by the manufacturer as a travel trailer; (2) is not more than eight (8) feet in body width; and, (3) is of any weight provided its body length does not exceed twenty-nine (29) feet, or is of any length provided its gross weight, factory equipped for the road, does not exceed 4500 pounds. Vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8-1/2 feet and an overall body length of no more than 40 feet when factory equipped for the road.

Section 30. Definition of Residentially Designed Manufactured Home - Section 13200 of Ordinance 2012-01 is amended to re-insert the definition of “Residentially Designed Manufactured Home” as follows:

RESIDENTIALLY DESIGNED MANUFACTURED HOME. A factory built, single-family dwelling that meets either the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Section 5401, et seq.) commonly known as HUD (U.S. Department of Housing and Urban Development) code or the Florida Manufactured Building Act of 1979 (Chapter 553, Part I, Florida Statutes). These Residentially Designed Manufactured Homes must have: a roof with a pitch not less than 3 inches rise in a 12-inch run with eaves; vinyl, wood or masonry siding or an approved product that simulates any of these types of siding; and be a minimum width of 22 feet. All Residentially Designed Manufactured Homes must meet or exceed the structural requirements for the wind zone in which they are installed, as specified in their respective codes.

Section 31. Definition of House of Worship - Section 13200 of Ordinance 2012-01 is amended to revise the definition of “House of Worship” as follows:

HOUSE OF WORSHIP. A house of worship is a site or premises, such as a cathedral, chapel, church, mosque, synagogue, tabernacle, temple, or similar place which is used primarily or exclusively for religious worship and religious activities, including buildings used as a place of worship and religious education, and for customary accessory uses, by a body or organization of religious believers.

Section 32. Definition of Place of Worship - Section 14400 of Ordinance 2012-01 is amended to revise the definition of “Place of Worship” as follows:
Place of worship. As used in this ordinance, the term ‘place of worship’ means a site or premises, such as a cathedral, chapel, church, mosque, synagogue, tabernacle, temple, or similar place which is used primarily or exclusively for religious worship and religious activities including building used as a place of worship and religious education, and for customary accessory uses, by a body or organization of religious believers.

Section 33. Definition of Parking and Storage – Section 13200 of Ordinance 2012-01

is amended to add definitions of “Parking” and “Storage” as follows:

PARKING. The act of placing a vehicle, equipment, product or other item at a specific location for a temporary period of time, generally less than one week.

STORAGE. The act of placing a vehicle, equipment, product or other item at a specific location for a period of time generally more than one week in an enclosed structure, within a fenced area, or otherwise in a manner which provides protection and safekeeping for the item being stored.

Options:

1. As it relates to agricultural equipment, eliminate the requirement that it be stored in an enclosure when stored on property that is used for bona fide agricultural purposes.

2. Adjust the one week time period to some other length of time.
34. **Additional Issues That Have Been Raised But Which Were Not in the LDR Proposal Draft:**

1. **Minor Plats: Current LDR Provision**

   **Section 4000 GENERAL**

   C. Minor Subdivision means the division of a tract, parcel or lot into no more than six (6) lots, where each lot meets the minimum lot size and dimensional standards for its zoning district and the Comprehensive Plan, abuts or has direct access by easement over a single lot to a county-maintained road which has been duly dedicated and accepted, or other public right-of-way, does not interfere with or obstruct the county right-of-way, does not create new streets, does not change the length or alignment of an existing road, and no drainage or surface water permit is required from the Southwest Florida Water Management District or the Florida Department of Environmental Protection. A Major Subdivision means every division of a tract, parcel or lot that does not qualify as a Minor Subdivision.

   **Options:**

   1. **Eliminate the requirement that each lot have access by easement over a single lot**
   2. **Provide that each lot have access by easement over no more than 2 lots**
   3. **Leave as is [Planning Commission recommends this Option]**

2. Amend Section 2203 to remove the requirement that vehicles parked or stored in residential zoned districts must have a current license plate.

3. Amend Sections 2304 and 2305 to provide that there is one permitted use in A-10 and A-5 and that is a single-family dwelling and all other uses currently listed as permitted be moved to accessory uses.

4. Amend Article 2 throughout to remove the language “permitted principal use” and replace it with “permitted use” for all zoning districts

5. Amend Section 2305 to move “Accessory Apartment” from an accessory use to a special exception

6. Amend the definition of “Mobile Home” to require that mobile homes be skirted

7. Amend Section 7206 to provide that for Residential Developments of 1 to 50 units, only one (1) access point is required, and for Residential Developments of
51 and over units, two (2) access points are required in order to conform to the Comp Plan.

8. Amend Section 8300E to delete Travel Trailers and Recreational Vehicles from those dwellings that can be used for Medical Hardship, leaving only Mobile Homes

9. Create a new zoning district for “Ranchettes” which shall apply to any parcel of 10 acres or more that results when a tract of 40 acres or more is subdivided in current A-10 and A-5 zoning districts

10. Provide that Special Exceptions become permanent once they are implemented and/or constructed and it is determined that it does not adversely impact an existing surrounding neighborhood, or adversely impact future development of contiguous properties

11. Delete all definitions in the LDRs for terms that are defined in Section 320.01, Florida Statutes, (motor vehicle, recreational vehicle, camping trailer, truck camper, motor home, park trailer, fifth-wheel trailer, mobile home, trailer, semitrailer, truck, heavy truck, etc) and instead simply state that these terms have the meanings set forth in the statute

12. Include a definition of “Agricultural Buildings” (barns, storage sheds and storage buildings) that specifies such buildings may not be used as, or converted to, residences without proper permitting and inspection