

**DESOTO COUNTY, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF DESOTO COUNTY, FLORIDA, AMENDING SECTION 20-759 NONCONFORMING STRUCTURES, SECTION 20-1499 CONDITIONS AND SAFEGUARDS, DESOTO COUNTY LAND DEVELOPMENT REGULATIONS TO INCLUDE UPDATES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapters 125, 163, and 553 Part IV, Florida statutes, authorize counties of the State of Florida to adopt and enforce regulations in the interest of public health, safety and welfare; and

**WHEREAS**, the DeSoto County Board of County Commissioners is authorized to adopt ordinances regulating the use of land in DeSoto County through adoption of the Land Development Regulations; and

**WHEREAS**, the purpose of this ordinance is to amend the DeSoto County Land Development regulations to extend the timeframe of non-conforming structures to reconstruct damaged by Hurricane Ian; and

**WHEREAS**, the purpose of this ordinance is to amend the DeSoto County Land Development regulations to clarify that the Planning Commission may not recommend conditions to rezoning's that do not include an accompanying Preliminary Development Plan; and

**WHEREAS**, the Board further finds that adoption of this ordinance is in the best interest of the residents of DeSoto County and serves a proper public purpose; and

**WHEREAS**, the Board has properly noticed and held public hearings in accordance with law prior to adopting this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THAT:**

**Section 1.** Sections 20-759 Nonconforming structures and uses of structures, DeSoto County Land Development Regulations, are amended to read as follows:

*Sec. 20-759. - 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:*

(1) *Nonconforming structures may not be enlarged or altered in a way which increases their nonconformity, but may be altered to decrease their nonconformity.*

(2) *Any structure, or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use shall not thereafter be resumed nor shall any other nonconforming use be permitted.*

(3) *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~~ 18 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.*

(4) *Where a nonconforming structure is destroyed or removed to the extent of more than 50 percent of the structure as determined by the Development Director, the structure shall thereafter conform to the LDRs.*

(5) *If a nonconforming structure or portion of a structure, or any structure containing a nonconforming use, becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the duly authorized official of the County to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuild except in conformity with the LDRs.*

(6) *Any use which is approved by special exception shall not be deemed a nonconforming use.*

(7) *A nonconforming use may be changed to a different nonconforming use in accordance with the provisions of Section 20-1280(3). (this refers to the Board of Adjustment)*

**Section 2.** Sections 20-1499 Conditions and Safeguards, DeSoto County Land Development Regulations, are amended to read as follows:

*Sec. 20-1499. - Conditions and safeguards.*

(a) *The Planning Commission may not recommend that a rezoning application or an application to amend the LDRs be approved subject to conditions and safeguards. Any conditions and safeguards may be added to an accompanying Preliminary Development Plan application and site plan., ~~including, but not limited to, limiting the use of the property to certain uses provided for in the requested zoning district.~~*

(b) *The Board of County Commissioners, after receiving the recommendation from the Planning Commission on an application for rezoning or an application to amend the LDRs, may grant or deny such rezoning or amendment. Any conditions and safeguards may be added to an accompanying Preliminary Development Plan application and site plan and ~~may make the granting conditional upon such conditions and safeguards as it may deem necessary to ensure compliance with the intent and purposes of the Comprehensive Plan.~~*

(c) This section shall not apply to a Planned Unit Development zoning district as set forth in section 20-144.

**Section 3.** This ordinance shall become effective immediately upon filing with the Secretary of State.

**DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, THIS 23 DAY OF APRIL, 2024.**

ATTEST:

DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS

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By: \_\_\_\_\_

Mandy Hines  
County Administrator

Jerod Gross  
Chairman

Approved as to form and legal sufficiency:

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Donald D Conn  
County Attorney