

**Page Intentionally
Left Blank**

Appendix A

Osceola County JLUS 2012 Study Maps

Map 1: County Location/Aerial Map

Map 2: Future Land Use Map

Map 3: Zoning Map

Map 4: Overview Map

**Page Intentionally
Left Blank**

Appendix B

Statutory Requirements

During the review of the August 2010 JLUS and in preparation of the Osceola County JLUS 2012, staff identified several Florida State Statutes that currently support military operations and compatibility. Staff also identified and has been tracking the 2012 Legislation as it relates to military operations and compatibility, as well as requirements for local governments to follow for compliance.

The Florida Statutes that facilitate compatibility as well as those awaiting approval from the Governor are identified below.

Florida Statute Chapter 163.3174 Local planning agency—

(Note: The statutory citations below reflect the amendments made via HB 7207 during the 2011 Legislature.)

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

- (a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

Appendix B

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

Florida Statute Chapter 163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(Note: The statutory citations below reflect the amendments made via HB 7129 and HB 7207 during the 2011 Legislature amending Subsections (5), (6), and (9) only.)

(Note: The statutory citations below also reflect the amendments made via HB 7081 during the 2012 Legislature amending Subsections (5) and (6), only. Signed by the Governor and became effective on April 6, 2012)

(Note: The ~~strike-through~~ and underline below reflect the amendments made via HB 7075 during the 2012 Legislative Session amending Subsections (3), (5), and (6) only. Signed by the Governor on April 6, 2012, and shall take effect on July 1, 2012.)

(1) The Legislature finds that incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission. The Legislature further finds that such development also threatens the public safety because of the possibility of accidents occurring within the areas surrounding a military installation. In addition, the economic vitality of a community is affected when military operations and missions must relocate because of incompatible urban encroachment. Therefore, the Legislature finds it desirable for the local governments in the state to cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state.

(2) Certain major military installations, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others. Consequently, this section and the provisions in s. [163.3177\(6\)\(a\)](#), relating to compatibility of land development with military installations, apply to specific affected local governments in proximity to and in association with specific military installations, as follows:

(a) Avon Park Air Force Range, associated with Highlands, Okeechobee, Osceola, and Polk Counties and Avon Park, Sebring, and Frostproof.

(b) Camp Blanding, associated with Clay, Bradford, and Putnam Counties.

(c) Eglin Air Force Base and Hurlburt Field, associated with Gulf, Okaloosa, Santa Rosa, and Walton Counties and Cinco Bayou, Crestview, Destin, DeFuniak Springs, Fort Walton Beach, Freeport, Laurel Hill, Mary Esther, Niceville, Shalimar, and Valparaiso.

(d) Homestead Air Reserve Base, associated with Miami-Dade County and Homestead.

(e) Jacksonville Training Range Complex, associated with Lake, Marion, Putnam, and Volusia Counties.

(f) MacDill Air Force Base, associated with Tampa.

Appendix B

- (g) Naval Air Station Jacksonville, Marine Corps Support Facility-Blount Island, and outlying landing field Whitehouse, associated with Jacksonville.
 - (h) Naval Air Station Key West, associated with Monroe County and Key West.
 - (i) Naval Support Activity Panama City, associated with Bay County, Panama City, and Panama City Beach.
 - (j) Naval Air Station Pensacola, associated with Escambia County.
 - (k) Naval Air Station Whiting Field and its outlying landing fields, associated with Santa Rosa and Escambia Counties.
 - (l) Naval Station Mayport, associated with Atlantic Beach and Jacksonville.
 - (m) Patrick Air Force Base and Cape Canaveral Air Force Station, associated with Brevard County and Satellite Beach.
 - (n) Tyndall Air Force Base, associated with Bay County and Mexico Beach and Parker.
- (3) The Florida [Defense Support Task Force](#) ~~Council on Military Base and Mission Support~~ may recommend to the Legislature changes to the military installations and local governments specified in subsection (2) based on a military base's potential for impacts from encroachment, and incompatible land uses and development.
- (4) Each affected local government must transmit to the commanding officer of the relevant associated installation or installations information relating to proposed changes to comprehensive plans, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation. At the request of the commanding officer, affected local governments must also transmit to the commanding officer copies of applications for development orders requesting a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements within areas defined in the local government's comprehensive plan as being in a zone of influence of the military installation. Each affected local government shall provide the military installation an opportunity to review and comment on the proposed changes.
- (5) The commanding officer or his or her designee may provide [advisory](#) comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such [advisory](#) comments [shall be based on appropriate data and analysis provided with the comments and](#) may include:
- (a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone(AICUZ) adopted by the military installation for that airfield;
 - (b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;
 - (c) Whether such changes are incompatible with the findings of a **Joint Land Use Study (JLUS)** for the area if one has been completed; and
 - (d) Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government.

Appendix B

The commanding officer's comments, underlying studies, and reports shall be considered by the local government in the same manner as the comments received from other reviewing agencies pursuant to s. 163.3184 ~~are not binding on the local government.~~

(6) The affected local government shall take into consideration any comments and accompanying data and analyses provided by the commanding officer or his or her designee pursuant to subsection (4) as they relate to the strategic mission of the base, public safety, and the economic vitality associated with the base's operations, while also respecting ~~and must also be sensitive to~~ private property rights and not being ~~be~~ unduly restrictive on those rights. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

(7) To facilitate the exchange of information provided for in this section, a representative of military installation acting on behalf of all military installations within that jurisdiction shall be included as an ex officio, nonvoting member of the county's or affected local government's land planning or zoning board.

(8) The commanding officer is encouraged to provide information about any community planning assistance grants that may be available to a county or affected local government through programs such as those of the federal Office of Economic Adjustment as an incentive for communities to participate in a joint planning process that would facilitate the compatibility of community planning and the activities and mission of the military installation.

(9) If a local government, as required under s.163.3177(6)(a), does not adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in its future land use plan element by **June 30, 2012**, the local government, the military installation, the state land planning agency, and other parties as identified by the regional planning council, including, but not limited to, private landowner representatives, shall enter into mediation conducted pursuant to s. 186.509. If the local government comprehensive plan does not contain criteria addressing compatibility by December 31, 2013, the agency may notify the Administration Commission. The Administration Commission may impose sanctions pursuant to s. 163.3184(8). Any local government that amended its comprehensive plan to address military installation compatibility requirements after 2004 and was found to be in compliance is deemed to be in compliance with this subsection until the local government conducts its evaluation and appraisal review pursuant to s.163.3191 and determines that amendments are necessary to meet updated general law requirements.

Florida Statute Chapter 163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(Note: The statutory citations below also reflect the amendments made via HB 7081 during the 2012 Legislature amending paragraph (f) of subsection (1) and paragraphs (a), (f), and (h) of subsection (6), only. Signed by the Governor and became effective on April 6, 2012)

163.3177(6)(a)

Appendix B

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.
2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:
 - a. The amount of land required to accommodate anticipated growth.
 - b. The projected permanent and seasonal population of the area.
 - c. The character of undeveloped land.
 - d. The availability of water supplies, public facilities, and services.
 - e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.
 - f. The compatibility of uses on lands adjacent to or closely proximate to military installations.
 - g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.
 - h. The discouragement of urban sprawl.
 - i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.
 - j. The need to modify land uses and development patterns within antiquated subdivisions.
3. The future land use plan element shall include criteria to be used to:
 - a. Achieve the compatibility of lands adjacent or closely proximate to military installations, considering factors identified in s. 163.3175(5).
 - b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.
 - c. Encourage preservation of recreational and commercial working waterfronts for water-dependent uses in coastal communities.
 - d. Encourage the location of schools proximate to urban residential areas to the extent possible.
 - e. Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.
 - f. Ensure the protection of natural and historic resources.
 - g. Provide for the compatibility of adjacent land uses.

Appendix B

- (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - (VI) Fails to maximize use of existing public facilities and services.
 - (VII) Fails to maximize use of future public facilities and services.
 - (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
 - (IX) Fails to provide a clear separation between rural and urban uses.
 - (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
 - (XI) Fails to encourage a functional mix of uses.
 - (XII) Results in poor accessibility among linked or related land uses.
 - (XIII) Results in the loss of significant amounts of functional open space.
- b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
 - (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
 - (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
 - (IV) Promotes conservation of water and energy.
 - (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
 - (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
 - (VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
 - (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Appendix B

10. The future land use element shall include a future land use map or map series.
 - a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:
 - (I) Residential.
 - (II) Commercial.
 - (III) Industrial.
 - (IV) Agricultural.
 - (V) Recreational.
 - (VI) Conservation.
 - (VII) Educational.
 - (VIII) Public.
 - b. The following areas shall also be shown on the future land use map or map series, if applicable:
 - (I) Historic district boundaries and designated historically significant properties.
 - (II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.
 - (III) Multimodal transportation district boundaries.
 - (IV) Mixed-use categories.
 - c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:
 - (I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.
 - (II) Beaches and shores, including estuarine systems.
 - (III) Rivers, bays, lakes, floodplains, and harbors.
 - (IV) Wetlands.
 - (V) Minerals and soils.
 - (VI) Coastal high hazard areas.
11. Local governments required to update or amend their comprehensive plan to include criteria and address compatibility of lands adjacent or closely proximate to existing military installations, or lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02, in their future land use plan element shall transmit the update or amendment to the state land planning agency by **June 30, 2012**.

Florida Statute Chapter 186.505 *Regional planning councils; powers and duties.—Any regional planning council created hereunder shall have the following powers:*

(Note: The statutory citations below also reflect the amendments made via HB 7081 during the 2012 Legislature adding Subsections (26), only. Signed by the Governor and became effective on April 6, 2012)

- (1) To adopt rules of procedure for the regulation of its affairs and the conduct of its business and to appoint from among its members a chair to serve annually; however, such chair may be subject to reelection.

Appendix B

- (2) To adopt an official name and seal.
- (3) To maintain an office at such place or places within the comprehensive planning district as it may designate.
- (4) To employ and to compensate such personnel, consultants, and technical and professional assistants as it deems necessary to exercise the powers and perform the duties set forth in this act.
- (5) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act.
- (6) To hold public hearings and sponsor public forums in any part of the regional area whenever the council deems it necessary or useful in the execution of its other functions.
- (7) To sue and be sued in its own name.
- (8) To accept and receive, in furtherance of its functions, funds, grants, and services from the Federal Government or its agencies; from departments, agencies, and instrumentalities of state, municipal, or local government; or from private or civic sources. Each regional planning council shall render an accounting of the receipt and disbursement of all funds received by it, pursuant to the federal Older Americans Act, to the Legislature no later than March 1 of each year.
- (9) To receive and expend such sums of money as shall be from time to time appropriated for its use by any county or municipality when approved by the council and to act as an agency to receive and expend federal funds for planning.
- (10) To act in an advisory capacity to the constituent local governments in regional, metropolitan, county, and municipal planning matters.
- (11) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management under s. 252.34(4).
- (12) To fix and collect membership dues, rents, or fees when appropriate.
- (13) To acquire, own, hold in custody, operate, maintain, lease, or sell real or personal property.
- (14) To dispose of any property acquired through the execution of an interlocal agreement under s. 163.01.
- (15) To accept gifts, grants, assistance, funds, or bequests.
- (16) To conduct studies of the resources of the region.

Appendix B

(17) To participate with other governmental agencies, educational institutions, and private organizations in the coordination or conduct of its activities.

(18) To select and appoint such advisory bodies as the council may find appropriate for the conduct of its activities.

(19) To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the region and which the council finds feasible to perform.

(20) To provide technical assistance to local governments on growth management matters.

(21) To perform a coordinating function among other regional entities relating to preparation and assurance of regular review of the strategic regional policy plan, with the entities to be coordinated determined by the topics addressed in the strategic regional policy plan.

(22) To establish and conduct a cross-acceptance negotiation process with local governments intended to resolve inconsistencies between applicable local and regional plans, with participation by local governments being voluntary.

(23) To coordinate land development and transportation policies in a manner that fosters regionwide transportation systems.

(24) To review plans of independent transportation authorities and metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government plans.

(25) To use personnel, consultants, or technical or professional assistants of the council to help local governments within the geographic area covered by the council conduct economic development activities.

(26) To provide consulting services to a private developer or landowner for a project, if not serving in a review capacity in the future, except that statutorily mandated services may be provided by the regional planning council regardless of its review role.

History.—s. 2, ch. 59-369; ss. 17, 35, ch. 69-106; s. 1, ch. 73-283; ss. 3, 5, ch. 80-315; s. 8, ch. 81-167; s. 4, ch. 82-46; s. 8, ch. 83-55; s. 4, ch. 83-334; s. 12, ch. 84-257; s. 1, ch. 92-182; ss. 30, 38, ch. 93-206; s. 959, ch. 95-147; s. 15, ch. 95-196; s. 71, ch. 99-2; s. 93, ch. 99-251.

Note.

—

Former s. 160.02.

Appendix C

Osceola County Comprehensive Plan Policies Related to Military Installations

Adopted By the Osceola County Board of County Commissioners on August 16, 2010

During the review of the August 2010 JLUS and in preparation of the Osceola County JLUS 2012, staff identified several Goals, Objectives, and Policies of the County's Comprehensive Plan that currently support military operations and compatibility. In its review, the county also identified Policies of the Comprehensive Plan that may be considered for modification to increase this compatibility with military operations.

The following Future Land Use designations identified below are those that are within the MOA's and MBZ's. These are followed by the Policies of the Comprehensive Plan that facilitate compatibility as well as those being considered for modification.

Future Land Use Element (FLUE)

Policy 1.3.3: *Rural/Agricultural Future Land Use Map (FLUM) designation defined.*

Rural / Agricultural

The Rural / Agricultural designation provides for continuation of agricultural production and supporting land uses outside of the adopted Urban Growth Boundary. Maximum density allowed shall be 1 dwelling unit per 5 acres. Limited residential subdivision development is allowed based upon meeting the following criteria:

1. The number of units allowed for a development proposed as "ranchettes" shall be based upon net density defined as the total number of dwelling units divided by developable land, i.e., land area minus natural water bodies and wetlands.
2. The number of units allowed for a development proposed as a Conservation Subdivision shall be based upon gross density defined as the total number of dwelling units divided by the development's total area.
 - a. At a minimum 50% of the land area shall be set aside as conservation, agricultural, or recreational open space.
 - b. Conservation Subdivisions shall optimize the land maintained as open space in order to retain agricultural functions, minimize fragmentation of area resources and/or preserve existing ecological connections. Open space within a Conservation Subdivision will be permanently preserved via easement and managed by the agricultural owner, homeowners association, property owners association, land trust, conservation organization, public agency, or other ownership and maintenance entity as defined on the plat. The easement or dedication shall remove all residential development rights from the open space, but shall not limit agricultural, conservation, or recreational uses.

Policy 1.3.4: *Rural Settlement FLUM designation defined.*

Rural Settlement

The Rural Settlement designation is intended to preserve historic communities and provide

Appendix C

opportunities for a rural residential lifestyle with a maximum density of two dwelling units per acre.

Policy 1.3.19: *Commercial FLUM designation defined.*

Commercial

The Commercial Future Land Use Map designation is intended for appropriate areas within the Urban Infill Area with a range of retail and office development.

Policy 1.3.45: *Conservation FLUM designation defined.*

Conservation

The Conservation Future Land Use Map designation is intended for private lands that have been reserved by property owner agreement and public lands for the preservation and protection of the County's valuable natural resources. These lands may also be suitable for passive recreation, but are not managed for active recreation and do not provide facilities and services typically associated with active recreational areas. Privately owned lands such as wetlands mitigation banks, Regional Offsite Mitigation Areas and environmentally sensitive properties owned by the Florida Audubon Society, Nature Conservancy or similar types of non-profit entities, may be designated as Conservation so long as formal consent is provided.

Policy 1.7.3: *Avon Park Air Force Range Coordination.*

Osceola County shall coordinate with the Avon Park Air Force Range (APAFR) regarding land use decisions and changes to the Comprehensive Plan that which if approved, would affect the intensity, density or use of land proximate to the Range. Coordination with the APAFR shall include, but not be limited to, the following:

- [The established Military Operation Areas \(MOAs\), Restricted Airspace R 2901 E, and Military Blast Zone \(MBZ-130\), which includes land areas that may experience blast noise between 115 and 130 db, are illustrated on Map TRN 10: Air Transportation Facilities & Special Planning Areas.](#)
- The Osceola County Planning Commission (local planning agency) shall include a representative appointed by the APAFR as an ex-officio, non-voting member;
- Osceola County shall ~~require~~ [facilitate](#) pre-development meetings between County staff and the applicant prior to submittal of an application for any proposed Comprehensive Plan Map Amendments, Zoning Map Amendments, land development code changes or applications for a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements or applications for Conditional Uses within the Military Operating Areas (MOAs) [and/or MBZ-130](#), as depicted on Map TRN 10: Air Transportation Facilities & Special Planning Areas. Osceola County shall notify the APAFR base commander or designee of the pre-development meeting;
- Osceola County shall provide any applications for Comprehensive Plan Map Amendments, land development code changes or applications for a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements or applications for Zoning Map Amendments or development applications that would affect

Appendix C

the intensity, density or use of land within the MOAs [and/or MBZ-130](#) to the APAFR base commander or designee;

- Osceola County shall notify the base commander or designee of the County's application review process schedule and of all meetings that are part of the application process;
- Osceola County shall consider any comments provided by the APAFR base commander or designee as well as any criteria listed in Section 163.3175(5), Florida Statutes, when evaluating applications within the MOAs [and/or MBZ-130](#);
- Osceola County shall forward any comments received from the APAFR base commander or designee regarding proposed Comprehensive Plan Amendments to the [State Land Planning Agency](#) ~~Florida Department of Community Affairs~~.

Policy 1.7.4: *Avon Park Air Force Range Compatibility Criteria.*

In accordance with 163.3177, FS, the County will cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state. ~~Prior to the statutory deadline,~~ ~~†~~The County's ~~shall adopt~~ criteria to address compatibility of lands ~~adjacent to or~~ in close proximity to the APAFR are identified and defined in the Osceola County JLUS 2012, in the Data and Analysis of the Future Land Use Element of the Osceola County Comprehensive Plan.

Objective 5.1: Energy and Natural Resource Conservation

Recognizing that energy and other natural resource demands are increasing and present sources may no longer be capable of meeting additional demands, it has become necessary to rely on alternative energy and infrastructure sources in combination with smart growth land and transit utilization, and its relationship to energy and natural resource conservation. The County will promote development contributing to conservation measures.

Policy 5.1.1: *Energy Conservation Areas.*

The County will promote Energy Conservation Areas to facilitate energy efficient land use patterns and greenhouse gas reduction strategies. Appropriate uses for designation of energy conservation areas include, but are not limited to; proposed rail transit systems, multi-modal transit, transit oriented development, multi-use trails, parks and preserved lands/carbon sinks, high density and intensity land uses, urban infill activity centers, and mixed use districts. These energy conservation areas are depicted on the Energy Conservation Areas Maps (FLU 7A and 7B) in the Future Land Use Map Series.

Policy 5.1.2: *Energy Conservation Areas Development Incentives.*

Development within an Energy Conservation Area and businesses within specified distances of Energy Conservation Areas shall be incentivized and allowed to proceed directly to development application process. The County will amend its Land Development Code to facilitate a streamlined process to encourage development in these areas. Specific criteria for developments to qualify for these incentives will be determined and clarified within the LDC.

Policy 5.1.3: *Renewable Energy Sites in the County.*

In an effort to incentivize renewable energy technology capable of producing clean(er) energy

Appendix C

and fuels, while allowing for decreases and/or the elimination of greenhouse gas emissions, Osceola County will update the LDC to facilitate these processes without the need for Land Use Changes or NRU designation. Locational Criteria for Renewable Energy Sites is outlined in Policy 5.1.5.

Policy 5.1.4: *Renewable Energy Sites Defined.*

Renewable energy technology based industry and business, or sustainably developed businesses shall be incentivized with the ability to proceed to development application, or other like process steps. Such developments include, but are not limited to, the following:

1. Development that consists of renewable and/or sustainable energy manufacturing.
2. Development or project that creates green jobs.
3. Development or project that meets the LEED rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or other nationally recognized, high-performance green building rating system.
4. Development or project that manufactures, distributes, and/or researches alternative fuels and/or alternative fuel vehicles.
5. Development that creates or utilizes a renewable energy sources or protects non-renewable resources greater than the requirements of the Comprehensive Plan or adopted Land Development Code regulations.

Policy 5.1.5: *Renewable Energy Sites Locational Criteria:*

Specific locational criteria will be incorporated into the LDC including, but not limited to the following:

1. Renewable Energy Creation/Manufacturing, Product Manufacturing, Distribution Centers and Research Facilities processes shall be limited to industrial, mixed use with an industrial component or institutional uses in which the manufacturing process is the primary use, subject to arterial or collector roadway access.
2. Development that creates jobs or meets a nationally recognized, high-performance green building rating system may locate in any land use or zoning applicable to the development type, subject to the standards listed within this policy.
3. Large Scale or Commercial Wind, Solar or other renewable energy production facilities may be located outside the UGB only if located on five (5) or more acres. Facilities located within the UGB shall be subject to the following criteria:
 - a. Shall be restricted from locations within residential zoning or land uses and be limited to industrial land uses and mixed use land uses subject to compatibility.
 - b. Have a minimum setback of the greater of 150 feet or a minimum distance so that the level of noise produced during operation shall not exceed 55dbA from 7:00am to sunset, and 45dbA after sunset to 6:59am consistent with the Osceola County Code of Ordinances, Chapter 9-106, measured at the property boundaries of the closest parcels that are not owned by the subject property owner, at the time of permit application. This shall apply unless a noise variance has been approved by the Board of County Commissioners.
 - c. If the property is located on a lake with known protected species nesting or foraging, the minimum setback shall be 250 feet from the Safe Development Line

Appendix C

- or other setbacks approved for the parcel if greater than 250 feet.
- d. Shall not cause visual obstructions to surrounding properties, and shall be landscaped to create a buffer compatible with dissimilar uses at the property line.
 - e. Shall not be installed in any location that may interfere with communications, broadcast, transmissions or other like tools.
 - f. Lighting and height requirements shall be adhered to for compliance with the Federal Aviation Administration ~~and/or the Avon Park Air Force Range Joint Land Use Study (JLUS)~~.
4. Residential Wind Turbines shall be subject to the following:
- a. Setbacks:
 - i. Facilities shall be located at least 50 feet plus the height of the structure from road lines, and lot lines.
 - ii. Individual wind turbine towers shall be located with relation to property lines so that the level of noise produced during operation shall not exceed 55dbA from 7:00am to sunset, and 45dbA after sunset to 6:59am consistent with the Osceola County Code of Ordinances, Chapter 9-106, measured at the property boundaries of the closest parcels that are not owned by the subject property owner, at the time of permit application. This shall apply unless a noise variance has been approved by the Board of County Commissioners.
 - iii. No turbines shall be permitted within 150 feet of protected bird nesting and foraging areas including Snail Kite and the American Bald Eagle.
 - b. Construction and Accessories:
 - i. No wind turbines shall be permitted that lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine components.
 - ii. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.
 - iii. The proposed system shall be no larger than necessary to provide 120 percent of the electrical energy requirements of the structure to which it is accessory as determined by a contractor licensed to install wind turbine energy systems ~~or 140 feet in height, whichever is less~~.
 - iv. All power transmissions lines from the wind generation electricity generation facilities shall be underground.
 - v. The applicant shall provide proof of insurance prior to issuance of building permit, to cover damage or injury that may result from the failure of a tower or any other parts of the generation and transmission facility.
 - vi. No individual turbine tower facility shall be installed in any location that would substantially detract from or block view of a portion of recognized scenic views, as viewed from any public road right-of-way or publicly owned land within the County.
 - vii. No individual tower facility shall be installed in any location that may interfere with communications, broadcast, transmissions or other like tool.
 - viii. Lighting and height requirements shall be adhered to for compliance with

Appendix C

the Federal Aviation Administration and/or the ~~Avon Park Air Force Range Joint Land Use Study (JLUS)~~ [standards recommended within the Osceola County JLUS 2012, as applicable.](#)

- c. Landscaping:
 - i. Appropriate landscaping shall be provided to keep the site in a neat and orderly fashion, consistent with current landscape requirements with the Osceola County Land Development Code.
 - ii. Appropriate screening shall be provided to screen accessory structures from adjacent residences.
5. Residential Solar Panels or Photovoltaic technology shall be subject to the following:
 - a. Setbacks:
 - i. Setbacks shall not be applicable to roof mounted solar panels.
 - ii. The solar energy system including any appurtenant equipment shall not be located within any setbacks which apply to the primary residence and must be located to the side or rear of the primary residence.
 - iii. Solar panels including any appurtenant equipment must be a minimum of 150 feet from any neighboring residence at the time of installation.
 - iv. The solar panels shall not be visible from a public right-of-way, collector and/or arterial roadways that abut the lot on which the solar energy system is located, or, unless they are installed within one foot of the natural ground topography.
 - b. Construction and Accessories:
 - i. The proposed system shall be no larger than necessary to provide 120 percent of the electrical and/or thermal energy requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems.
 - ii. The solar panels and supporting framework shall not extend more than six feet above the existing grade.
 - iii. Reflection angles from collector surfaces shall be oriented away from neighboring windows.
 - iv. The panels shall be mounted as close as possible to the ground to match the slope of the hillside while allowing adequate drainage and preventing vegetation from shading the panels.
 - c. Landscaping:

If the solar panels are visible from off-site, the following shall apply with the exception of roof mounted panels:

 - i. Landscaping shall not be applicable to roof mounted solar panels.
 - ii. There shall be appropriate facades, walls, fences or landscaping to screen the solar panels and supporting framework from view.

Transportation Element (TE)

Objective 1.10: Planning and Access for Airports and Related Facilities

The County shall coordinate with any airport and related facility plans of the appropriate airports

Appendix C

and related facilities provider, United States Army Corps of Engineers, Federal Aviation Administration, metropolitan planning organization, military services, or resource planning and management plan prepared pursuant to Chapter 380, FS, and approved by the Governor and Cabinet, the Florida Department of Transportation 5-Year Transportation Plan, and the Continuing Florida Aviation System Planning Process as adopted, ensure that access routes to airports and related facilities are properly integrated with other modes of surface or water transportation, and ensure compatible land uses adjacent to airports and military installations.

Policy 1.10.1: *Mitigation of airport impacts.*

The County shall coordinate with appropriate state and federal agencies for strategic mitigation of adverse structural and non-structural impacts from airports, and related facilities upon adjacent natural resources and land uses.

Policy 1.10.2: *Natural resources within airports.*

The County shall protect and conserve the natural resources within airports and related facilities.

Policy 1.10.3: *Intermodal management.*

The County shall coordinate intermodal management of surface and water transportation with airports and related facilities, and protect them from the encroachment of incompatible land uses.

Policy 1.10.4: *Intermodal coordination.*

The County shall coordinate with MetroPlan Orlando, FDOT, and other agencies to develop strategies to address intermodal terminals and access to airport, rail and seaport facilities.

Policy 1.10.5: *Coordination of improvements with other agencies.*

The County shall coordinate roadway and transit service improvements with the future needs of seaport, airports, and other related public transportation facilities with MetroPlan, FDOT, ECFRPC, and the Cities of Kissimmee, and St. Cloud to ensure that minimum levels of service are maintained.

Policy 1.10.6: *Military installations:*

~~In accordance with 163.3177, FS, the County will cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state.~~

Policy 1.10.7: *Coordination with airport authorities.*

The County will coordinate with airport authorities to ensure that compatible land uses are adjacent to existing and future airports consistent with map TRN 10: Air Transportation Facilities and Special Planning Areas - 2025.

**Page Intentionally
Left Blank**

Appendix D

Land Development Code

During the review of the August 2010 JLUS and in preparation of the Osceola County JLUS 2012, staff identified several sections of the County's Land Development Code (LDC) that currently support military operations and compatibility. In its review, the county also identified sections of the LDC that may be considered for modification to increase this compatibility with military operations.

The sections of the LDC that facilitate compatibility as well as those being considered for modification are identified below. Modifications to the LDC may be incorporated into the County's ongoing efforts to re-write the LDC.

LDC Modification Considerations

1. Chapter 14, Section #14.71, Osceola County Lighting Standards should be amended to include street lighting standards for new subdivisions within the MOA's, includes coordination with the Air Force Safety Center. (mid-term/LDC)
2. Chapter 14 should be amended to allow a maximum height up to 100' below the Airspace Floor of each MOA or restricted airspace, whichever is more restrictive. Height requested in excess of the maximum permitted shall be subject to FAA Determination of No Hazard to Navigation (Letter of authorization from FAA). (mid-term/LDC)
3. Chapter 8 should be amended to include language requiring new subdivisions, which are proposed within the MBZ-130, provide a noise disclosure statement on their plat regarding explosive impulse blast noise; or require disclosure to be included within the covenants conditions and restrictions as part of the plat. (mid-term/LDC)
4. As part of ongoing LDC Amendments, update the Transfer of Development Rights Ordinance, as part of on-going LDC Amendments, to include MBZ-130 as a "sending area". (mid-term / LDC)

Appendix D

As mentioned above, during the review of the August 2010 JLUS and Florida Statutes as part of the Osceola County JLUS 2012, staff also identified several sections of the LDC that currently support military operations and compatibility.

The below sections currently support military operations and compatibility; and are in line with the JLUS study goals of protecting the health, safety and welfare of residents living or working near the range, promoting comprehensive community planning, as well as protecting and promoting the present and future operational capacities of APAFR. They also identify the Zoning Districts that are within the MOA's and MBZ's.

Existing LDC Language that Facilitates Military Compatibility

Chapter 14, Zoning Code (Existing)

Ch. 14.6 – AGRICULTURAL DEVELOPMENT AND CONSERVATION (AC)

A. OBJECTIVES

To promote the orderly growth and development of the community, protect the value of property, limit the expenditure of public funds, improve the opportunity for local employment and economic activity, and achieve the intent of land use regulations. Further this district is established to:

1. Encourage the retention and development of suitable areas for agricultural production, the preservation of open spaces, and the conservation and management of soil, water, air, game and other natural resources and amenities; and,
2. Discourage the creation or continuation of conditions which could detract from the function, operation, and appearance of rural areas by limiting the ability of such areas to provide food supplies or to effectively compete with other regions producing agricultural products.

B. PERMITTED USES

The following uses listed below are authorized in this district, when such uses comply with the requirements contained in these regulations.

1. Groves and farms for the cultivation and propagation of citrus, vegetables, fruits, berries, nuts, grass, sod and trees.
2. Pastures and grasslands for the cultivation and propagation of livestock except for swine and poultry.

Appendix D

3. Greenhouse or nursery for domestic plants and landscaping materials when accessory and incidental to the principal dwelling.
4. Wholesale commercial greenhouses and nurseries, if located in the rural land use category illustrated on the Osceola County Comprehensive Plan, future plan use map.
5. Lakes and ponds for the cultivation and propagation of fish and marine foods for personal consumption only.
6. Areas for the cultivation and propagation of bees, earthworms and similar insects.
7. Dairy farms.
8. Barns, stables, and silos for the housing of livestock, hay, and feed.
9. Buildings, structures, equipment and work animals utilized for bonafide agricultural activities.
10. Single family residence, including customary uses such as a garage, carport, and porch, when accessory and incidental to the principal dwelling.
11. Single family manufactured home and mobile home, including customary uses such as a garage, carport, and porch, when accessory and incidental to the principal dwelling.
12. Swimming pool, spa, recreation room, screen room, boathouse and other customary uses when accessory and incidental to the principal dwelling.
13. Guest home or quarters for domestic employees, when accessory and incidental to the principal dwelling, in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
14. Pier, dock or boathouse, when accessory and incidental to the principal dwelling:
15. Dwellings (5 or less) and customary uses for farm workers, ranch hands and seasonal laborers, when accessory and incidental to a bonafide agricultural activity, provided the overall density does not exceed 1 dwelling unit/5 acres. These dwellings may include single family dwellings, standard design manufactured homes, residential design manufactured homes or mobile homes.
16. Swine and poultry not exceeding a limit of two (2) swine and six (6) fowl provided they are contained in a pen or fenced enclosure that maintains a minimum 100 feet setback from any property boundary.
17. Buildings, yards, pens and or fenced yards, when accessory and incidental to the principal dwelling, for the keeping of no more than four (4) canine. Pens shall maintain a minimum setback of ten (10) feet from any property boundary.

Appendix D

18. Silviculture and forestry operations when operated in accordance with other provisions of this Ordinance.
19. Community Residential Home A in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
20. Agricultural stands in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance. 00-32; 03-16; 06-37; 08-32; 09-09; 11-20 BCC Adopted 08/01/2011 August 1, 2011 Chapter 14 6-114 Zoning
21. Class I aircraft landing fields in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
22. Temporary residences in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
23. Storage buildings, hobby shop and tool sheds, when accessory and incidental to the principal dwelling, in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
24. Distribution electric substations, except on property that is designated as preservation, conservation or historic preservation on the future land use map, in accordance with Section 163.3208, Florida Statutes, as amended.
25. Parks, playgrounds, libraries and similar neighborhood activities not operated for profit.

C. CONDITIONAL USES

The following uses may be permitted as a conditional uses provided that an application has been approved pursuant to Chapter 2 and Chapter 17 of this Ordinance.

1. Substations for telephone, or other utilities, and for firefighting or law enforcement services.
2. Houses of worship in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance, and customary accessory facilities such as a chapel and educational buildings for religious training.
3. Kindergartens and child care centers for pre-school children and nursing homes for the sick and elderly.
4. Marinas, golf courses, country clubs, and customary accessory facilities such as clubhouses, swimming pools, cabanas, tennis courts, maintenance buildings, and structures for storage of golf carts.

Appendix D

5. Dwellings (6 or more) and customary uses for farm workers, ranch hands and seasonal laborers, when accessory and incidental to a bonafide agricultural activity, provided the overall density does not exceed 1 dwelling unit/5 acres. These dwellings may include single family dwellings, standard design manufactured homes, residential design manufactured homes or mobile homes.
6. Packing houses for the processing and packaging of citrus, vegetables, and fruits.
7. Processing plants for the dressing and packaging of beef, poultry, swine and fish.
8. Sawmills for the cutting, sizing and curing of lumber.
9. Commercial retail sales of nursery plants and landscaping materials in conjunction with wholesale nursery operations.
10. Commercial fish farms and similar aqua-cultural operations.
11. Plants for the production and processing of feed and fertilizer. 00-32; 03-16; 06-37; 08-32; 09-09; 11-20 BCC Adopted 08/01/2011 August 1, 2011 Chapter 14 7-114 Zoning
12. Brooders and pens for the husbandry of poultry, swine and similar farm animals exceeding the limits for permitted uses.
13. Aviaries, commercial riding stables and sites for the raising or possession of exotic animals as recognized by the Florida Fish and Wildlife Conservation Commission.
14. Veterinary clinics in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
15. Tourist attractions featuring animals, reptiles and other wildlife.
16. Recreational vehicle parks and campgrounds, when approved in accordance with other provisions of this Ordinance.
17. Recreation facilities for special groups, e.g., athletic associations, girl scouts and boys clubs.
18. Utility plants, landfills (all classes as regulated by the Florida Department of Environmental Protection, and construction and demolition debris disposal sites, in accordance with - Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
19. Cemeteries and customary accessory uses in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.

Appendix D

20. Pug mills and/or temporary plants for the production or batching of concrete, asphalt soil cement or asphaltic concrete in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
21. Soil excavation, mining or quarry operations when approved in accordance with other provisions of this Ordinance.
22. Plants for the processing of fertilizer or animal hides.
23. Communication towers in accordance with Chapter 9.
24. Hunting camps and fishing camps in accordance with the Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
25. Temporary parking and storage areas for construction equipment, providing the temporary period does not exceed 5 years.
26. Class II aircraft landing fields in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
27. Community Residential Home B in accordance with Conditional Use and Site Standards (C.U.S.S.) of this Ordinance.
28. Land application disposal in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
29. Areas for the display, sale, assembly and maintenance of agricultural equipment.
30. Outdoor firing ranges provided the property has a rural land use designation in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance. 00-32; 03-16; 06-37; 08-32; 09-09; 11-20 BCC Adopted 08/01/2011 August 1, 2011 Chapter 14 8-114 Zoning
31. Membership organizations including fraternal organizations in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
32. Commercial kennels for the raising, breeding and/or boarding of domestic animals including, but not limited to, canines or felines in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
33. Bed-and-breakfast establishment in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
34. Other similar uses which are reasonably implied and are consistent with the objectives of this district, based on appropriate consideration of the nature of the intended activity, the

Appendix D

character of the proposed development, the location of the site, and its compatibility with adjacent parcels. These above determinations shall be made by the Planning Official.

D. SPECIAL EXCEPTIONS

The following uses may be permitted as a special exception by the Board of Adjustment provided an application has been approved pursuant to other provisions of this Ordinance.

1. Home occupations.
2. Buildings, yards, pens and/or fenced yards, when accessory and incidental to the principal dwelling, for the keeping of canine exceeding the permitted maximum of four (4) canine, up to a maximum of (6) canine.
3. Pigeon coops, when accessory and incidental to the principal structure.

E. PROHIBITED USES

All uses not specified as a permitted use, conditional use, or a special exception, shall be prohibited. In cases where a use is not listed as a permitted use, conditional use or special exception anywhere in these regulations, the Planning Official shall determine whether a use would be permitted, conditional or a special exception. Appeals of the Planning Official's decision shall be as provided for according to Chapter 2.

CH. 14.11 RESIDENTIAL MANUFACTURED HOUSING (RMH)

A. OBJECTIVES

In order to promote the orderly growth and development of the community, protect the value of the property, improve the opportunity for housing various economic and other groups, and achieve the intent of land use regulations, this district is established to:

1. Encourage the design and development of suitable areas for various types of residential dwellings at a medium density (including modular units and similar forms of manufactured housing which are fabricated off the site); and
2. Discourage the creation or continuation of conditions which could detract from the harmony, tranquility and appearance of residential neighborhoods, or have an adverse effect on adjacent areas.

B. PERMITTED USES

The following uses listed below are authorized in this district, when such uses comply

Appendix D

with the requirements contained in these regulations.

1. Single family residence including customary uses such as a garage, carport and porch, when accessory and incidental to the principal dwelling.
2. Single family manufactured home and mobile home, including customary uses such as a garage, carport, and porch, when accessory and incidental to the principal dwelling.
3. Swimming pool, spa, recreation room, screen room, and other customary uses, when accessory and incidental to the principal dwelling.
4. Greenhouse or nursery for domestic plants and landscaping materials, when accessory and incidental to a principal dwelling.
5. Buildings, yards, pens and or fenced yards, when accessory and incidental to the principal dwelling, for the keeping of no more than four (4) canine. Pens shall maintain a minimum setback of ten (10) feet from any property boundary.
6. Pier, dock, or boathouse, when accessory and incidental to the principal dwelling.
7. Community Residential Home A in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
8. Model home and pre-construction sales office in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
9. Storage buildings, hobby shop and tool sheds, when accessory and incidental to the principal dwelling in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
10. Distribution electric substations, except on property that is designated as preservation, conservation or historic preservation on the future land use map, in accordance with Section 163.3208, Florida Statutes, as amended.
11. Elementary, middle and high schools and customary ancillary facilities, which include auditoriums, gymnasiums, and sports fields, subject to the applicable Compliance Review requirement prescribed in Table 14.1, and to the standards contained in Chapter 14, Section 14.81.

C. CONDITIONAL USES

The following uses may be permitted as conditional uses provided that an application has otherwise been approved pursuant to Chapter 2 and Chapter 17 of this Ordinance.

Appendix D

1. Two family dwelling (duplex), including customary uses such as a garage, carport, and porch, when accessory and incidental to the principal dwelling.
2. Three family dwelling (triplex), including customary uses such as a garage, carport, and porch when accessory and incidental to the principal dwelling.
3. Townhouse dwelling including customary accessory uses as authorized pursuant to the approved conditional use site development plan.
4. Mobile home park, when developed in accordance with other provisions of this Ordinance.
5. Recreational vehicle park and campground, when planned in accordance with other provisions of this Ordinance.
6. Public parks, playgrounds, libraries, and similar neighborhood activities.
7. Public substations for telephone or other utilities, and for firefighting or law enforcement services.
8. Houses of worship, in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance, and customary accessory facilities such as a chapel and educational buildings for religious training.
 1. Kindergartens and child care centers for preschool children and nursing homes for the sick and elderly.
 2. Public neighborhood recreation facilities such as a clubhouse, swimming pool, picnic ground, beach, boathouse, boat docks, and boat ramps.
 3. Marina or golf course, country club and customary accessory facilities such as a clubhouse, swimming pools, cabana, tennis court, maintenance building and golf cart storage.
 4. Other similar uses which are reasonably implied and are consistent with the objectives of this district, based on appropriate consideration of the nature of the intended activity, the character of the proposed development, the location of the site, and its compatibility with adjacent parcels. These above determinations shall be made by the Planning Official.

D. SPECIAL EXCEPTIONS

The following uses may be permitted as special exception by the Board of Adjustment provided an application has been approved pursuant to other provisions of this Ordinance.

1. Home Occupations.

Appendix D

2. Temporary residences in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
3. Buildings, yards, pens and or fenced yards, when accessory and incidental to the principal dwelling, for the keeping of Canine exceeding the permitted maximum of four (4) canine up to a maximum of six (6). Pens shall maintain a minimum setback of ten (10) feet from any property boundary.
4. Pigeon coops, when accessory and incidental to the principal structure.

E. PROHIBITED USES

All uses not specified as a permitted use, conditional use, or a special exception, shall be prohibited. In cases where a use is not listed as a permitted use, conditional use or special exception anywhere in these regulations, the Planning Official shall determine whether a use would be permitted, conditional or a special exception. Appeals of the Planning Official's decision shall be as provided for according to Chapter 2.

F. MAXIMUM DWELLING DENSITY, SUBJECT TO COMPREHENSIVE PLAN

RMH			
house/mobile home/manufactured home	5.0		units/acre
duplex	7.3		units/acre
triplex	8.4		units/acre
townhouse	9.0		units/acre
RMH-1			
house/mobile	home/manufactured		home/
duplex	2.0		units/acre
RMH-1A			
house/mobile home/duplex	2.0		units/acre

CH. 14.15 COMMERCIAL RESTRICTED BUSINESS (CR)

A. OBJECTIVES

To promote the orderly growth and development of the community, protect the value of property, limit the expenditure of public funds, improve the opportunity for local employment and economic activity, and achieve the intent of land use regulations. Further, this district is established to:

1. Encourage the design and development of suitable areas for special types of commerce which are appropriately located with direct access to major thoroughfares and offer a

Appendix D

variety of goods and services to various areas of the community; and

2. Discourage the creation or continuation of conditions which could detract from the function, operation, and appearance of planned business centers, or have an adverse effect on adjacent areas.

B. PERMITTED USES

The following uses listed below are authorized in this district, when such uses comply with the requirements in these regulations.

1. Offices and studios for professional services such as customarily provided by doctors, dentists, opticians, architects, engineers and lawyers and veterinary facilities catering to small animals.
2. Offices and studios for financial services such as customarily provided by banks, savings and loan associations, credit bureaus, insurance agencies, and securities brokerage.
3. Governmental administrative buildings and courts serving the executive, legislative, and judicial functions of local, state and federal branches of government, including post office facilities.
4. Theaters, museums, and galleries for cultural events, art displays and shows and clubs, lodges and meeting facilities for professional or social organizations.
5. Offices and studios for communication services such as radio and television broadcasting, filming or recording, and publishing of newspapers or periodicals.
6. Offices and studios for business services such as data processing, employee training, advertising, bookkeeping, and duplicating or reproducing of letters, forms, and drawings.
7. Shopping centers and office parks.
8. Shops and stores for retail goods such as furniture, appliances, clothing, food, medicine, hardware, books, gifts, carpets, draperies, stationery, office supplies, and sporting goods.
9. Shops and studios for general services such as hair cutting and styling, shoe repair, photography, picture framing, and areas for pick-up and delivery of laundry or cleaning.
10. Hospitals, medical clinics or laboratories and customary accessory uses.
11. Entertainment facilities such as auditoriums, bowling alleys, skating rinks, bars, game rooms and billiard halls, go-cart tracts and mini-golf facilities.

Appendix D

12. Membership organizations including fraternal organizations in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
13. Funeral homes.
14. Food preparation facilities for minor products to be sold on the premises, such as bakery items, candies, confections, juices and beverages.
15. Eating establishments such as restaurants, cafeterias, lounges, supper clubs, and coffee shops.
16. Distribution electric substations, except on property that is designated as preservation, conservation or historic preservation on the future land use map, in accordance with Section 163.3208, Florida Statutes, as amended.

C. CONDITIONAL USES

The following uses listed below may be permitted as conditional use provided that an application has been approved pursuant to Chapter 2 and Chapter 17 of this Ordinance.

1. Houses of worship, in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance and customary accessory facilities such as a chapel and educational buildings for religious training.
2. Personal storage facilities or mini-warehouses and warehouses for storage and distribution of supplies used in conjunction with retail sales.
3. Transportation facilities such as passenger stations for trains, buses, limousines or taxis, and automobile parking garages.
4. Production facilities for limited communication products such as newspapers, magazines and similar printing, lithography or photographic processing.
5. Showrooms and display areas for the sale of new and used automobile and customary accessory uses.
6. Private schools.
7. Service stations including those that provide limited minor repair in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
8. Areas for the sale of decorating landscaping materials in conjunction with commercial retail plant nurseries.
9. Communication towers in accordance with Chapter 9.

Appendix D

10. Automobile car washes, automobile oil change and lubrication facilities.
11. Convenience stores, with or without gas dispensers, in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance, and licensed package stores for the sale of off-premise consumption of alcoholic beverages.
12. Nursing, convalescent and extended care facilities, Community Residential Home B and C in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
13. Other similar uses which are reasonably implied and are consistent with the objectives of this district, based on appropriate consideration of the nature of the intended activity, the character of the proposed development, the location of the site, and the compatibility with adjacent parcels. The above determinations will be made by the Planning Official.

D. PROHIBITED USES

All uses not specified as a permitted use, conditional use, or a special exception, shall be prohibited. In cases where a use is not listed as a permitted use, conditional use or special exception anywhere in these regulations, the Planning Official shall determine whether a use would be permitted, conditional or a special exception. Appeals of the Planning Official's decision shall be as provided for according to Chapter 2.

CH. 14.23 PUBLIC INSTITUTION DISTRICT (IN)

A. OBJECTIVES

To promote orderly development of public and quasi-public community facilities and to achieve the intent of land use regulations. Further, this district is established to:

1. Accommodate a wide variety of community facilities; and
2. Promote open space and buffering to minimize potential adverse impacts on adjacent land uses.

B. PERMITTED USES

The following uses are authorized in this district, when such uses comply with requirements contained in these regulations.

1. Open space parks and passive recreation areas.
2. Infrastructure support facilities limited to water or sewer lift stations.
3. Law enforcement substations.

Appendix D

4. Recycling and collection sites when accessory and incidental to an existing on-site development.
5. Distribution electric substations, except on property that is designated as preservation, conservation or historic preservation on the future land use map, in accordance with Section 163.3208, Florida Statutes, as amended.
6. Elementary, middle and high schools and customary ancillary facilities, which include auditoriums, gymnasiums, and sports fields, subject to the applicable Compliance Review requirement prescribed in Table 14.1, and to the standards contained in Chapter 14, Section 14.81.
7. Hospitals and other medical facilities.

C. CONDITIONAL USES

The following uses may be permitted as conditional uses provided that an application has been approved pursuant to Chapter 2 and Chapter 17 of this Ordinance.

1. Water plants
2. Sewer plants
3. Electrical power generation plants.
4. Cemeteries in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
5. Communication towers in accordance with Chapter 9
Libraries.
6. Correctional facilities in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
7. Active recreation parks
8. Administrative facilities.
9. Landfills in accordance with Conditional Use and Site Standard (C.U.S.S.) of this Ordinance.
10. Private educational facilities.

Appendix D

11. Fire stations.
12. Solid waste transfer stations and recycling/collection sites when not accessory and incidental to a principal development.
13. Residential community center.
14. Billboard in accordance with Chapter 15.

D. PROHIBITED USES

All uses not specified as a permitted use or a conditional use shall be prohibited. In cases where a use is not listed as a permitted use or a conditional use anywhere in these regulations, the Planning Official shall determine whether a use would not permitted or conditional. Appeals of the Planning Official's decision shall be provided for according to Chapter 2.

14.71 SITE LIGHTING

- A. Exterior site lighting shall be designed to prevent direct view of light source from adjacent property boundaries. However, when approved as part of an overall site lighting plan, direct view of a light source may be permitted, provided the light source utilizes the use of prismatic lens, frosted or amber globe, diffuser or shield, bulb coating, low wattage, or other means of reducing intensity of the light beyond the light source.
- B. Canopy lighting fixtures, including lens covers, shall be recessed into the canopy ceiling or designed with fixture shields that prevent direct view of light source.
- C. Lighting and/or electrical plans designed for non-single family residential developments shall identify the location of all exterior light fixtures. Manufacturers cut-outs identifying proposed light fixtures shall accompany all required lighting plans.

PD07-00002 BAR SEVEN RANCH (PRD)

PD08-00003 GREEN ISLES FOUNDATION Inc. (PRD)

OSCEOLA COUNTY JIUS 2012 PERMITTED LAND USES and 2010 MIPA LAND USE COMPATIBILITY

ZONING DESIGNATION (1)		Allowable Density/Intensity	Residential Family - single Family, Duplex	Residential Family - mobile Homes	Residential Multiple Family Homes	Schools Classrooms	Library	Churches	Hospitals	Nursing / Community Residential Home	Auditoriums, Concert Halls	Office Buildings, Personal Business, Professional	Commercial Retail	Manufacturing	Utilities	Playgrounds, Neighborhood Parks	Golf Courses, Riding Stables, Cemeteries	Outdoor spectator Sports	Industrial, Warehouse, supplies	Livestock & Farming	Livestock - Animal Breeding	Agriculture - Mining	Agriculture - Fishing (Aquiculture)	Recreational, Wilderness Areas	Solar Farms, Green Energy Technology (3)
MBZ - 130 <i>(Moderate Blast Noise Area)</i>			✓(4)	✓(4)	✓	✓(4)	✓(4)	✓(4)	✓	✓(4)	✓	✓	✓(4)	✓	✓(4)	✓(4)	✓(4)	✓(4)	✓	✓	✓	✓	✓	✓	✓(4)
AGRICULTURE / CONSERVATION (AC) ZONING	1 du/5 ac	P (4)	P (4)	N	C (4)	C (4)	C (4)	N	C (4)	N	N	C (4)	N	P (4)	P (4)	C (4)	C (4)	N	P (4)	P (4)	P (4)	C (4)	P (4)	P (4)	P (4)
Blast Noise up to 115 db. <i>(Low Blast Noise Area)</i>		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
AGRICULTURE / CONSERVATION (AC) ZONING	1 du/5 ac	P	P	N	C	C	C	N	C	N	N	C	N	P	P	C	C	N	P	P	P	C	P	P	P
RESIDENTIAL MANUFACTURED HOUSING (RMH) ZONING	6-9 du/1 ac	P	P	C	P	C	C	N	P	N	N	N	N	P	C	C	C	N	N	N	N	N	N	C	N
COMMERCIAL RESTRICTED (CR) ZONING	20,000 sf & .5 FAR	N	N	N	C	N	C	C	C	C	C	P	P	N	N	N	N	N	N	N	N	N	N	N	N
PUBLIC INSTITUTION (IN) ZONING	n/a	N	N	N	P	C	C	C	P	P	C	C	N	P	P	C	C	N	N	N	N	N	N	P	N
PLANNED RESIDENTIAL DEVELOPMENT (PD) Green Isles Foundation Inc. PD08-00003 6/9/08 BCC	1 du/5 ac	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
MOAS - <i>(Low Level Approach and Night Time Training Area)</i>	1du/5ac (2)	✓	✓	✓	✓(5)	✓(5)	✓(5)	✓	✓(5)	✓(5)	✓(5)	✓	✓(5)	✓	✓	✓(5)	✓(5)	✓(5)	✓	✓	✓	✓	✓	✓	✓(4)
AGRICULTURE / CONSERVATION (AC) ZONING	1 du/5 ac	P (5)	P (5)	N	C (5)	C (5)	C (5)	N	C (5)	N	N	C (5)	N	P (5)	P (5)	C (5)	C (5)	N	P (5)	P (5)	P (5)	C (5)	P (5)	P (5)	P (5)
Planned Residential Development (PD) Bar Seven Ranch PD07-00002 6/25/07 BCC	1 du/5 ac	P (6)	N	N	N	N	N	N	N	N	P (5)	N	N	N	N	N	N	N	N	P (5)	P (5)	N	N	P (5)	N

(1) SOURCE: Avon Park JIUS Study, Table 6-3, August 2010; Osceola County Comprehensive Plan 2025; Osceola County Land Development Code

(2) Suggested maximum Density in MIPA II is no more than 1 du/5 acres

(3) Uses allowed pursuant to FUE Objective 5.1

(4) Requires notice on Plat for MBZ 1 & compliance with LDC for lighting

(5) Requires height consistent with MOA's & compliance with LDC for lighting

(6) Current PD requires 50' maximum height & compliance with LDC for lighting

JIUS 2012 & Current Zoning

P	Permitted
C	Permitted with Conditional Use Approval and proper zoning
N	Not Permitted
✓	2010 JIUS Recommendations Consistent with JIUS 2012, Comp Plan and LDC.

JIUS 2010 Recommendations (1)

Red	Potential Use and related structures are not normally compatible and are recommended to be prohibited
Yellow	Potential Use and structures are generally compatible with noted restrictions
Green	Potential Uses and related structures are normally compatible with specific requirements as noted herein such as lighting, real estate disclosure, etc.

Appendix E

Public Involvement

Osceola County has worked with the CFRPC, the Avon Park Air Force Range, the local property owners, and the ranching community in an effort to ensure an open line of communication as part of the process leading up to the recommendations contained in the Osceola County JLUS 2012. Below is a summary of this process and the resulting outcomes:

Date	Meeting/ Correspondence Type	Summary of Outcome
09/30/08	Working Group Meeting	This was the first meeting of staff members from the affected jurisdictions, and where the different staff was introduced to the JLUS process.
10/30/08	Working Group Meeting	The working Group shared data including GIS maps and discussed several of the JLUS issues and strategies.
01/05/09	CFRPC Presentation to BCC	Patricia Steed, Executive Director of the CFRPC presented to the BCC what a JLUS was and the issues concerning the APAFR JLUS as they related to Osceola County.
01/28/09	Policy Committee Workshop	General overview of the JLUS process and APAFR operations.
06/17/09	Policy Committee Workshop	General overview of the military airspace and operations, summary of The Nature Conservancy Buffer Study (10 mile buffer), introduction of consultants, and discussion of the statutory requirements.
10/23/09	Working Group Meeting	The working Group reviewed and discussed JLUS issues and strategies,
11/6/09	Policy Committee Workshop	Specific discussion of GIS data collected and used for the JLUS that would ultimately aid in creation of the August 2010 JLUS Recommendations. Discussion about upcoming public workshops. Also there was discussion about the importance of the Department of Defense Readiness and Environmental Protection Inactive (REPI), and how REPI will provide matching funds to purchase land outside the range for conservation/buffer areas. Matching funds usually come from the Florida Forever and/or County land acquisition programs. Also, that having a JLUS helps in obtaining REPI funds.
01/19/10	Public Workshop in Kenansville	Some specific questions asked such as operations of drones (Colonel indicated these were not used at the base); the F-35 training, (Colonel indicated it was going through scoping then an Environmental Impact Statement (EIS) would be done prior to implementation); and the largest piece of ordnance used, (Colonel indicated a 2,000 pound concrete bomb, and a 105mm hellfire air to surface missile).
01/22/10	Working Group Meeting	The JLUS issues and strategies were discussed again, and the concerns regarding the recommendations and the restrictions to land uses these recommendations would cause were also discussed.
03/26/10	Policy Committee Workshop	Discussion of previous public workshop, clarification that the JLUS is different from the f-35 EIS, and that it wouldn't come out until approximately 2013 and possibly in Jacksonville. Next steps were discussed and that the Policy Committee would be asked to accept the JLUS at the end of June.

Appendix E

Date	Meeting/ Correspondence Type	Summary of Outcome
04/20/10	Public Workshop in Kenansville	The Colonel discussed the range's mission, then the CFRPC presented the draft JLUS, went over recommendations for the County, notified the attendees that the final JLUS would be available in June. The Colonel and County staff provided their contact information to attendees.
06/25/10	Policy Committee Workshop	The final draft of the JLUS was presented. There were concerns brought up that the noise study was 5 years old, that a Range/Air Installation Compatibility Zone Study had not been done for future active runways, that the JLUS may negatively affect property values. The CFRPC asked that comments be forwarded to them to be included in the final study. The policy committee unanimously agreed to complete and publish the Final Study results to include written comments received as an appendix to the document, and transmit to the jurisdictions for consideration.
10/4/10	Comment Letter to CFRPC	This letter outlined the concerns mentioned above, indicated that future property owner meetings would be held over the next three months that would result in further comments, and the letter included 4 attachments: (Comments to the recommendations, Proposed text revisions, The current County Comprehensive Plan language relating to coordination with APAFR, and Adopted Map TRN 10 illustrating the Military Operation Areas). This letter was included as an appendix in the final JLUS, which County staff is referring to as the August 2010 JLUS.
10/11/10	Additional Property Owner Workshop	Specific questions regarding base operations, the JLUS recommendations, and statutory requirements were brought up. County staff responded to the questions/concerns and followed up with a letter to the CFRPC.
02/28/11	Response Letter from CFRPC	CFRPC stated that typical agricultural uses are quite compatible with military training activities. Also, that the JLUS is a snapshot of existing operations and future land uses at the time of the study. As new information becomes available, they said the Study will need to be updated. They clarify that it is a study and not an adopted plan; therefore it has no regulatory or binding authority, and should be used only as an advisory document for developing Comprehensive Plan and LDC regulations.
03/9/11	Final Comment Letter to CFRPC	This letter outlines the major concerns Osceola County has with the August 2010 JLUS due to its lack of clear and appropriate data, as well as the ambiguity of certain recommendation.

Appendix E

Osceola County Joint Land Use 2012

Date	Meeting/ Correspondence Type	Summary of Outcome
10/25/11	Meeting with APAFR Commanders	At this meeting there were discussions regarding Osceola County's implementation approach, CFRPC's August 2010 JLUS and a possible Osceola County JLUS 2012, reduction of the perimeter buffer, sharing of information, compatible uses, conservation lands, and next steps.
02/08/12	Meet and Greet with Ranchers & APAFR	At this Meet and Greet, County Staff was able to meet with the Ranching Community and the Range Lieutenant Colonel. There was general discussion regarding current and future operations at the ranches and the range. The Colonel explained the operations and how certain type of development could affect training activities. The rancher expressed their understanding of the need for the range operations, as well as the fact that they did not want their property rights taken away from them or future generations. County staff explained that the implementation approach would be to create a completely new Osceola County JLUS 2012 with recommendations specific to Osceola County that should accomplish both goals. It was also explained that open lines of communication between the County, Property Owners, and the APAFR would be maintained and crucial throughout the process. It was also determined that email would be the best method of communication, and that the confirmation regarding the next meeting on 03/07/12 would be emailed out to everyone on the list.
03/02/12	Meeting with APAFR	At this meeting there were discussions regarding Osceola County's JLUS 2012, sharing of information, compatible uses, conservation lands, discussions of specific concerns, and next steps.
03/07/12	Meeting with Community & APAFR	At this community meeting staff went over the Osceola County JLUS 2012 Implementation approach, the 6 recommendations the study is focusing on, and solicited community and stakeholder input.
05/03/12	Planning Commission Update	The Planning Commission was given an update of the progress of the Osceola County JLUS 2012 and the next steps.
05/24/12	Growth Management Task Force	At this meeting a summary of the draft Osceola County JLUS 2012 was presented and discussed.
06/04/12	BCC Update	The Board of County Commissioners was given an update of the progress of the Osceola County JLUS 2012 and the next steps.
06/07/12	Planning Commission Transmittal Hearing	The Final Osceola County JLUS 2012 was presented to the Planning Commission for approval to transmit to DEO for inter-agency review.
06/18/12	BCC Transmittal Hearing	The Final Osceola County JLUS 2012 was presented to the Board of County Commissioners for approval to transmit to DEO for inter-agency review.
08/18/12 (TBD)	BCC Adoption Hearing	Actual date TBD once the objections, recommendations and comments report is received from DEO.