

ATTACHMENT B

Ordinance 12-18

ORDINANCE 12-18

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, RELATING TO AMENDMENT OF THE OSCEOLA COUNTY COMPREHENSIVE PLAN; PROVIDING FOR ADOPTION OF LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT CPA12-0001, OSCEOLA COUNTY COMMUNITY DEVELOPMENT (APPLICANT); APPROVING THE OSCEOLA COUNTY JOINT LAND USE STUDY 2012; PROVIDING FOR FUTURE LAND USE ELEMENT TEXT AMENDMENT; PROVIDING FOR TRANSPORTATION ELEMENT TEXT AMENDMENT; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TRANSPORTATION ELEMENT MAP SERIES INCLUDING CONFORMANCE OF THE TEXT AND MAPS OF THE COMPREHENSIVE PLAN TO THE ADOPTED AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Osceola County, Florida, pursuant to Chapter 163, Florida Statutes, Part II, The Local Government Comprehensive Planning and Land Development Regulation Act, enacted Osceola County Ordinance 07-26 on December 10, 2007, and thereby adopted The Osceola County Comprehensive Plan; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners of Osceola County, Florida by enactment of Section 17-1 of the Code of Ordinances has duly designated the Osceola County Planning Commission as its Local Planning Agency; and

WHEREAS, the Osceola County Planning Commission, on June 7, 2012 at a duly noticed public meeting, and pursuant to the procedures of Chapter 163, Florida Statutes, Part II, The Local Government Comprehensive Planning and Land Development Regulation Act, reviewed and heard testimony concerning the proposed amendment to the Osceola County Comprehensive Plan, and recommended to the Board of County Commissioners of Osceola County that proposed Comprehensive Plan Amendment be adopted; and

WHEREAS, at the Planning Commission Meeting on June 7, 2012, Lt. Col. Paul Neidhardt of the Avon Park Air Force Range, as an Ex Officio Member of the Planning Commission, indicated his support for the revisions recommended by Staff.

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Section 163.3184, Florida Statutes, in order to amend certain provisions of the Osceola County Comprehensive Plan as set forth herein relating to Large-Scale Amendments; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, this Ordinance was read at two separate

hearings, the first hearing was held on June 18, 2012 to approve and transmit the ordinance and accompanying data and analysis to the reviewing agencies, and after addressing comments provided by said reviewing agencies, the second hearing was held on August 20, 2012 where this Ordinance was adopted; and

WHEREAS, the Board of County Commissioners provided all required public notice for the required public hearings for the purposes of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies and other jurisdictions prior to final action on the Plan Amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby specifically approves and adopts the Osceola County Joint Land Use Study 2012, and all its supporting data and analysis and specifically notes that the JLUS does not prohibit or preclude bona fide agricultural use and reserves all rights regarding same; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent with and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council; and

WHEREAS, the Plan Amendment set forth herein has been reviewed by all required State agencies and the Objectives, Recommendations and Comments Report prepared by the Department of Economic Opportunity has been considered by the Board; and

WHEREAS, the Board of County Commissioners directs that a certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with State law.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Osceola County that,

Section 1. Approval and Incorporation of Whereas Clauses. The Board of County Commissioners hereby approves and ratifies the WHEREAS clauses to this Ordinance and incorporates same as if fully set forth herein

Section 2. Adoption of CPA12-0001, Osceola County Community Development (Applicant). The Board of County Commissioners hereby adopts this Large-Scale Comprehensive Plan Amendment, which amends the Comprehensive Plan by amending the text of the Future Land Use Element (FLUE) and the text and the maps of Transportation Element (TRNE) to ensure compatibility with the training and operational missions of the Avon Park Air Force Range, military installation, pursuant to Chapter 163.3175 and 163.3177, F.S. This is a countywide Large-Scale Comprehensive Plan Amendment.

Section 3. Future Land Use Element Policy Text Amended. This Comprehensive Plan Amendment, which changes the text of Future Land Use Element, including FLUE Policy 1.7.3, FLUE Policy 1.7.4, FLUE Policy 5.1.5, is hereby amended as set forth in **Exhibit “A”** (attached hereto and incorporated herein by this reference). Said amendments are illustrated in strike-thru and underline format, with underline indicating new text, and strike-through indicating repealed text. The Osceola County Comprehensive Plan shall be conformed as set forth by this Comprehensive Plan Amendment.

Section 4. Transportation Element Text Amended. Comprehensive Plan Amendment, which changes the text of the Transportation Element (TRNE) Policy 1.10.6, is hereby amended as set forth in **Exhibit “B”** (attached hereto and incorporated herein by this reference). Said amendments are illustrated in strike-thru and underline format, with underlines indicating new text, and strike-through indicating repealed text. The Osceola County Comprehensive Plan shall be conformed as set forth by this Comprehensive Plan Amendment.

Section 5. Map Amendment Adopted. This Comprehensive Plan Amendment, which changes the Comprehensive Plan Map Series including the Transportation Element Map Series, TRN Map 10: Air Transportation Facilities & Special Planning Areas - 2025 is hereby amended as set forth in **Exhibit “C”** (attached hereto and incorporated herein by this reference). The official Transportation Element Map Series of the Osceola County Comprehensive Plan shall be conformed as set forth by this Comprehensive Plan Amendment.

Section 6. Severability. It is the intent of the Board of County Commissioners that, if any section subsection, sentence, clause, phrase, or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Conflict. Any Ordinance or part thereof which is in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

Section 8. Effective Date. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with State law. This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the

Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

ENACTED by the Board of County Commissioners of Osceola County, Florida, at its regular meeting on the 20th day of August, 2012.

TRANSMITTAL PUBLIC HEARING: 06/18/12

ADVERTISEMENT FIRST HEARING: 05/24/12

ADVERTISEMENT SECOND HEARING: 08/02/12

OSCEOLA COUNTY, FLORIDA

By _____

Chairman / Vice-Chairman

Board of County Commissioners

ATTEST:

Clerk / Deputy Clerk of the Board

(SEAL)

EXHIBIT “A”

Amendment to the Osceola County Comprehensive Plan Future Land Use Element (FLUE)

The proposed modifications are illustrated in strike-thru and underline format, with ~~strikethrough~~ text denoting proposed deletions and underlined text denoting proposed additions. No other sections of text or maps of the Future Land Use Element (FLUE) are proposed to be modified via this plan amendment.

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 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.

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 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 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.

EXHIBIT “B”

Amendment to the Osceola County Comprehensive Plan Transportation Element (TE)

The proposed modifications are illustrated in strike-thru and underline format, with ~~strikethrough~~ text denoting proposed deletions and underlined text denoting proposed additions. No other sections of text or maps of the Transportation Element (TRNE) are proposed to be modified via this plan amendment.

~~Policy 1.10.6: Military installations.~~

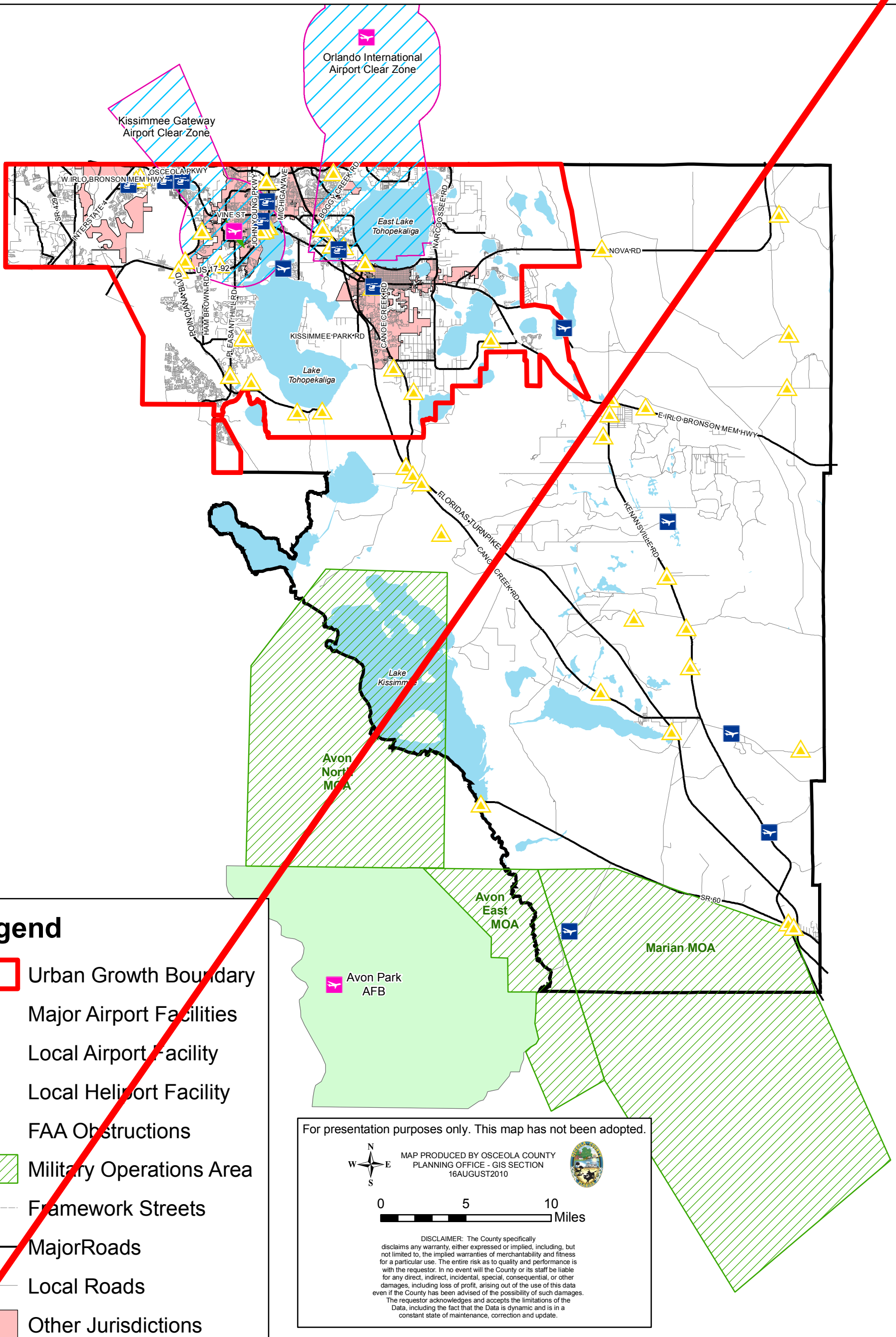
~~In accordance with 163.3177, FS, the County will cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state.~~

EXHIBIT “C”






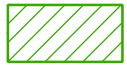

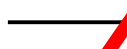


Amendment to the Comprehensive Plan Map Series Transportation Element, TRN Map 10: Air Transportation Facilities & Special Planning Areas - 2025

The proposed modifications are illustrated in strike-thru and clean format, with ~~strikethrough~~ denoting the old map that is intended to be deleted and clean map illustrating the new map being adopted with this amendment. No other maps of the Transportation Element (TRNE) are proposed to be modified via this plan amendment.

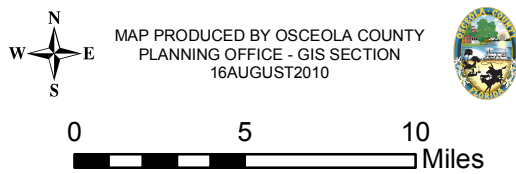
TRN 10: Air Transportation Facilities & Special Planning Areas - 2025



Legend

-  Urban Growth Boundary
-  Major Airport Facilities
-  Local Airport Facility
-  Local Heliport Facility
-  FAA Obstructions
-  Military Operations Area
-  Framework Streets
-  Major Roads
-  Local Roads
-  Other Jurisdictions

For presentation purposes only. This map has not been adopted.



DISCLAIMER: The County specifically disclaims any warranty, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular use. The entire risk as to quality and performance is with the requestor. In no event will the County or its staff be liable for any direct, indirect, incidental, special, consequential, or other damages, including loss of profit, arising out of the use of this data even if the County has been advised of the possibility of such damages. The requestor acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction and update.

Air Transportation Data provided by the Federal Aviation Administration

TRN 10: Air Transportation Facilities & Special Planning Areas - 2025

