



# Osceola County Planning Commission

1 Courthouse Square, Suite 1100  
Kissimmee, FL 34741  
407-742-0200

06/07/12

**Item Number**  
**CPA12-0001**

*Joint Land Use Study (JLUS)  
for Avon Park Air Force  
Range (APAFR)*

**Type of Application**

Comprehensive Plan  
Amendment (CPA)  
*Large-Scale Text and Map  
Amendment*

**Applicant & Agent**

Osceola County  
Community Development

**Location**

Southwest Osceola County

**Commission District**

5 – Fred Hawkins, Jr.

**Project Planner**

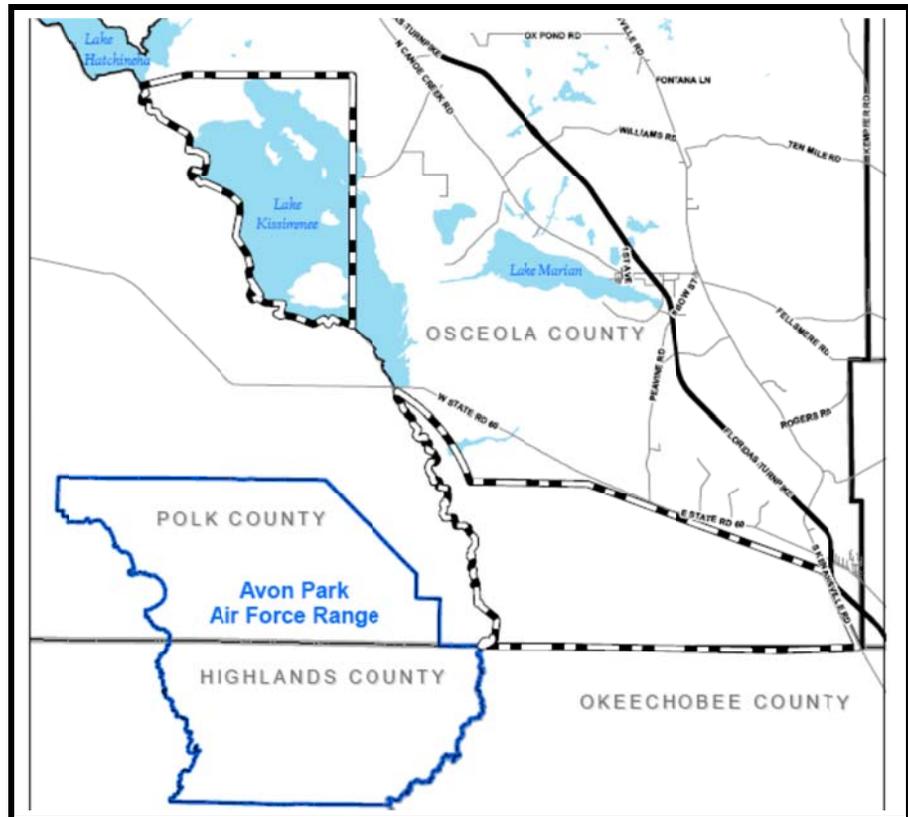
Joshua DeVries, AICP

**Requested Action**

Approval to transmit the  
CPA12-0001 to the  
Florida Department of  
Economic Opportunity  
for inter-Agency review

**Recommendation**

Approval (DRC 05/16/12)



**ITEM SUMMARY:**

The Applicant requests approval to transmit CPA12-0001, a large-scale amendment to the Osceola County Comprehensive Plan to amend the text of the Future Land Use Element (FLUE) and the text and the maps of the 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. As part of the Comprehensive Plan Ordinance, the JLUS 2012 is ratified and approved. The affected areas of the County are located in the southwest portion of Osceola County. The eastern boundary is generally west of the Turnpike, the northern boundary is between the northern shore of Lake Kissimmee and southern shore of Lake Hatchineha, and the western and southern boundaries extend to the County's jurisdictional lines.

**Findings**

In its review of the proposed FLUE amendment to the 2025 Comprehensive Plan, staff has determined:

1. The proposed amendment is consistent with the GOPs of the Osceola County 2025 Comprehensive Plan.
2. The proposed amendment compliments the Land Development Code.
3. The proposed amendment is consistent with Florida Statutes (F.S.).

**PUBLIC NOTICE:**

Notice of public hearing is published in the Orlando Sentinel prior to the public hearing. In addition, a community meeting was held with the affected ranching community and Avon Park Air Force Range (APAFR) on February 8, 2012. A second community meeting was held on March 7, 2012 to discuss this amendment with the affected land owners, the ranching community, and the APAFR. A meeting with the Growth Management Task Force was held on May 24, 2012 to discuss this amendment and the attached documents. As of the date of this report, no written comments have been received. Oral and written comments may be presented at the public hearings.

**STRATEGIC PLAN 2012:**

The proposed large-scale amendment to the Osceola County Comprehensive Plan and associated Osceola County Joint Land Use Study (JLUS 2012) is consistent with the Osceola County Strategic Plan 2012 Goal 2: Cost Effective and High Performing County Government Objective 2: Deliver County services in an efficient and cost effective manner. The JLUS 2012 was prepared in-house by county staff, which saves the county tax payers the cost of outside consultant fees. The JLUS 2012 furthers the goals of the Strategic plan by maintaining uses in agricultural areas, which will Grow and Diversify the County's Economy. The JLUS 2012 provides for compatibility with the APAFR, which creates Great Neighborhoods for the Future: Safe and Livable (Goal 4). This Comprehensive Plan Amendment and associated JLUS 2012 will have the effect of protecting property values, providing reasonable development standards, and ensuring continued compatibility with military operations.

**PROJECT DESCRIPTION:**

The proposed large-scale amendment to the Osceola County Comprehensive Plan includes modifications to the text of the Future Land Use Element (FLUE) and Transportation Element (TRNE), including FLUE Policy 1.7.3, FLUE Policy 1.7.4, FLUE Policy 5.1.5, and TRNE Policy 1.10.6. Several of these policies reference Military Operations Areas (MOAs), Restricted Airspace (R 2901 E), and Military Blast Zone (MBZ-130), which are summarized below, and further defined in the Osceola County JLUS 2012.

Military Operations Areas (MOAs) are areas that experience overhead military activities such as low level military aircraft flight and night vision training. These areas are also open to general aviation. The MOAs within Osceola County include the Avon North MOA, Avon East MOA, Marion MOA, and Lake Placid MOA. The Restricted Airspace (R 2901 E) is an area with the above activities, however is closed to general aviation.

- **Avon North MOA:** Airspace Floor 4,000 ft. above sea level. Also contains Restricted Airspace (R 2901 E)
  - **R 2901 E:** Airspace Floor 1,000 ft. above sea level. Airspace ceiling 4,000 ft. above sea level.
- **Avon East MOA:** Airspace Floor 500 ft. above ground level.
- **Marion MOA:** Airspace Floor 500 ft. above ground level.
- **Lake Placid MOA:** Airspace Floor 7,000 ft. above sea level.

Military Blast Zone (MBZ): Is an area that could experience blast noise emanating from APAFR.

- **MBZ-130:** Noise level between 115-130 decibels.

The MOAs are currently illustrated in the Comprehensive Plan Map Series. As part of this amendment, the Transportation Element map TRN 10: Air Transportation Facilities & Special Planning Areas - 2025, is being updated to include the current MOA, Restricted Airspace, and MBZ data from the JLUS 2012. This proposed amendment to the text and maps of the Comprehensive Plan ensures 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.

The proposed modifications to the Comprehensive Plan and the associated data and analysis that support the amendment are included in the following attachments to this Staff Report.

**Attachment A – Summary of Modifications**, which includes a detailed paragraph-level summary of the proposed modifications to the Goals, Objectives and Policies (GOPs) of the Future Land Use Element (FLUE) and the Transportation Element (TRNE) and Maps. The Future Land Use Element and the Transportation Element remain otherwise unchanged, except as explained in the Summary of Modifications. Proposed text amendments are illustrated in strike-through and underline format, with ~~strikethrough text~~ denoting proposed deletions and underlined text denoting proposed additions.

**Attachment B – Draft Ordinance**, which includes the proposed amendments to the FLUE and TRNE text as well as recommended changes to the TRNE map TRN 10: Air Transportation Facilities & Special Planning Areas – 2025. The proposed text amendments are illustrated in strike-through and underline format, with ~~strikethrough text~~ denoting proposed deletions and underlined text denoting proposed additions.

**Attachment C – Osceola County Joint Land Use Study (JLUS 2012)**, the data and analysis necessary to support the proposed amendment to the Osceola County Comprehensive Plan including six (6) recommendations for implementation of compatibility with the APAFR. This comprehensive plan amendment is one of the first steps in formally implementing compatibility. The recommendations are outlined in the JLUS Executive Summary with detailed explanation of each in sections 2 and 3 of the JLUS. The JLUS 2012 includes several appendices, which are listed below.

- Appendix A - Map Series
- Appendix B - Statutory Requirements
- Appendix C - Comprehensive Plan Policies
- Appendix D - Land Development Code
- Appendix E - Public Involvement
- Appendix F – JLUS Data & Analysis

**BACKGROUND:**

The Joint Land Use Study (JLUS) program is typically managed by the Office of Economic Adjustment (OEA), Office of the Secretary of Defense. It is a Department of Defense (DoD) initiative providing grants to state and local governments to participate with military installations in developing land use plans compatible with their mission. The JLUS program should encourage cooperative land use planning between military installations and the adjacent communities so future community growth and development are compatible with the training and operational missions of the installation.

Osceola County participated in the initial JLUS process coordinated by the Central Florida Regional Planning Council (CFRPC). This initial process ran from early 2009 until the CFRPC printed their final “August 2010 JLUS”. After the CFRPC printed the August 2010 JLUS, Osceola County began evaluating different implementation approaches that would ensure compatibility between the strategic mission of the base, public safety, and the economic vitality associated with the base’s operations, while also respecting private property rights and not being unduly restrictive on those rights. In order to accomplish this goal in a manner that would be more specific to and appropriate for Osceola County, the August 2010 JLUS was evaluated, and the data and analysis contained therein was utilized to create the “Osceola County JLUS 2012”. The Board of County Commissioners did not ratify or adopt the August 2010 JLUS, rather this Osceola County JLUS 2012 was created through collaborative efforts between the public, the APAFR, and Osceola County staff. This collaborative effort was conducted through a number of stakeholder meetings and public hearings, which are identified and summarized within Appendix E.

The County gathered information from the CFRPC, and has been actively working with 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 included in the final Osceola County JLUS 2012. A summary of the public involvement efforts dating back to 2008 are included in Appendix E of **Attachment C**, the *Osceola County JLUS 2012*. The recommendations contained in this staff report, the proposed policies, and the Osceola County JLUS 2012 reflect a collaborative planning effort that supports the growth and expansion of Osceola County. The proposed amendment to the Osceola County Comprehensive Plan safeguard the ability of the military services and homeland security agencies to provide needed training, while

still protecting the public health, safety, welfare, and private property rights of Osceola County residents and property owners.

## **JUSTIFICATION / TECHNICAL REVIEW:**

### **1. Consistency with Florida Statutes (F.S.)**

The proposed JLUS 2012 is being conducted in an effort to ensure compliance with Section 163, Florida Statutes. For specific statutory citations, see Appendix B of **Attachment C**, the *Osceola County JLUS 2012*. The project will be transmitted to the Department of Economic Opportunity and state reviewing agencies for interagency review consistent with Florida Statutes. The recommended amendments to the policies of the comprehensive proposed policies will be adopted via Ordinance consistent with the requirements of Florida Statutes.

### **2. Consistency with the Comprehensive Plan**

In preparing the recommendations, staff identified the Goals Objectives and Policies of the Osceola County 2025 Comprehensive Plan that support military compatibility and the implementation of the Osceola County JLUS Study. Those policies are outlined in Appendix C of **Attachment C**, the *Osceola County JLUS 2012*.

### **3. Consistency with the Land Development Code**

The proposed modifications to the Comprehensive Plan were reviewed by the Development Review Committee on February 29, 2012 and May 16, 2012 for consistency with the Land Development Code (LDC). Development Review Committee comments have been incorporated herein. The public notification requirements for this amendment are consistent with the LDC. Subsequent development applications are required prior to development in this area. At that time, staff will provide additional review for consistency with the Land Development Code and these recommended policies. For specific LDC citations, see Appendix D of **Attachment C**, the *Osceola County JLUS 2012*.

## **STAFF RECOMMENDATION:**

Approval to transmit CPA12-0001, the Osceola County JLUS 2012, to the Department of Economic Opportunity and state reviewing agencies for interagency review. The project is scheduled for the June 18, 2012 Board of County Commissioners meeting. The Adoption Hearing will be scheduled in summer 2012, after receipt of comments from the state reviewing agencies.

## **ATTACHMENTS:**

**Attachment A – Summary of Modification**

**Attachment B – Draft Ordinance**, including amendments to the text and maps of the Osceola County Comprehensive Plan.

**Attachment C – Osceola County Joint Land Use Study (JLUS 2012)**

Appendix A - Map Series

Appendix B - Statutory Requirements

Appendix C - Comprehensive Plan Policies

Appendix D - Land Development Code & Land Use Compatibility Chart

Appendix E - Public Involvement

Appendix F – JLUS Data & Analysis

**ATTACHMENT A**  
**Summary of Modifications**

# ATTACHMENT A

Detailed summary of the proposed modifications to the Goals, Objectives and Policies of the Future Land Use Element (FLUE) and the Transportation Element (TRNE). The FLUE and the TRNE remain otherwise unchanged, except as explained below.

## Future Land Use Element – Summary of Modifications

Proposed Policy Changes	Explanation
<p><b>FLUE Policy 1.7.3: Avon Park Air Force Range Coordination.</b></p> <p>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:</p>	<p>No change.</p>
<ul style="list-style-type: none"> <li>• <a href="#">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 &amp; Special Planning Areas.</a></li> </ul>	<p>Clarifying areas for coordination efforts by defining areas where APAFR operations and activities have the most impact on Osceola County.</p> <ol style="list-style-type: none"> <li>1. Military Operation Areas (MOAs), which are the areas where the APAFR conduct their operations and activities, are already identified in the comprehensive plan and are already being implemented by the FAA. The actual coverage areas are being updated in the County Transportation Element Map Series.</li> <li>2. Restricted Airspace (R2901E) is already being implemented by FAA, and is just being added to our maps for clarification since it has an airspace floor of 1,000’, which is lower the 4,000’ floor of the Avon North MOA that it overlaps.</li> <li>3. MBZ-130, a military blast zone identified in the JLUS 2012 where blast noise from APAFR activities may reach up to 130 db and may generate noise complaints, is being added to County Transportation Element Map Series.</li> </ol>
<ul style="list-style-type: none"> <li>• The Osceola County Planning Commission (local planning agency) shall include a representative appointed by the APAFR as an ex-officio, non-voting member;</li> </ul>	<p>No change as this has been adopted into the Land Development Code via ORD12-06 on March 12, 2012.</p>

## Future Land Use Element – Summary of Modifications

Proposed Policy Changes	Explanation
<ul style="list-style-type: none"> <li>Osceola County shall <del>require</del><u>facilitate</u> 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) <u>and/or MBZ-130</u> as depicted on Map TRN 10: Air Transportation Facilities &amp; Special Planning Areas. Osceola County shall notify the APAFR base commander or designee of the pre-development meeting;</li> </ul>	<p>Pre application conferences are not required in the Land Development Code (LDC); therefore, this text has been changed to facilitate to recognize ongoing process and procedures to ensure consistency between the Comprehensive Plan and the LDC.</p> <p>MBZ-130, an identified military blast zone where blast noise may reach up to 130 db, is being added to the Map TRN 10; therefore, this policy is being updated to reference the map and the MBZ-130 data.</p>
<ul style="list-style-type: none"> <li>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 <u>and/or MBZ-130</u> to the APAFR base commander or designee;</li> </ul>	<p>MBZ-130, an identified military blast zone where blast noise may reach up to 130 db, is being added to the Map TRN 10; therefore, this policy is being updated to reference the MBZ-130 data.</p>
<ul style="list-style-type: none"> <li>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;</li> </ul>	<p>No change.</p>
<ul style="list-style-type: none"> <li>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 <u>and/or MBZ-130</u>;</li> </ul>	<p>MBZ-130, an identified military blast zone where blast noise may reach up to 130 db, is being added to the Map TRN 10; therefore, this policy is being updated to reference the MBZ-130 data.</p>
<ul style="list-style-type: none"> <li>Osceola County shall forward any comments received from the APAFR base commander or designee regarding proposed Comprehensive Plan Amendments to the <u>State Land Planning Agency</u><del>Florida Department of Community Affairs</del>.</li> </ul>	<p>This section has been updated to reflect the state agency that handles comprehensive planning issues rather than the specific department name, which can change with changing leadership at the state level.</p>

## Future Land Use Element – Summary of Modifications

Proposed Policy Changes	Explanation
<p><b><u>FLUE Policy 1.7.4:</u></b> <i>Avon Park Air Force Range Compatibility Criteria.</i></p> <p><u>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. <del>Prior to the statutory deadline, the County's shall adopt</del> criteria to address compatibility of lands <del>adjacent to or</del> in close proximity to the APAFR <u>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.</u></u></p>	<p>For internal consistency, this policy is being updated to bring the statement of compatibility from the Transportation Element forward to the Future Land Use Element.</p> <p>This policy also references the <b>Osceola County JLUS 2012</b> as the Joint Land Use Study that shall govern coordination efforts in Osceola County. The JLUS will be supporting documentation for the Osceola County Comprehensive Plan and maintained in the Data and Analysis of the Future Land Use Element.</p>
<p><b><u>FLUE Policy 5.1.5:</u></b> <i>Renewable Energy Sites Locational Criteria:</i></p> <p>Specific locational criteria will be incorporated into the LDC including, but not limited to the following:</p>	<p>No change.</p>
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>	<p>No change.</p>
<ol style="list-style-type: none"> <li>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:             <ol style="list-style-type: none"> <li>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.</li> </ol> </li> </ol>	<p>No change.</p>

## Future Land Use Element – Summary of Modifications

Proposed Policy Changes	Explanation
<p>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.</p> <p>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.</p> <p>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.</p> <p>e. Shall not be installed in any location that may interfere with communications, broadcast, transmissions or other like tools.</p>	
<p>f. Lighting and height requirements shall be adhered to for compliance with the Federal Aviation Administration <del>and/or the Avon Park Air Force Range Joint Land Use Study (JLUS).</del></p>	<p>Removing reference to the Avon Park Air Force Range Joint Land Use Study (JLUS) to for internal consistency.</p>
<p>4. Residential Wind Turbines shall be subject to the following:</p> <p>a. Setbacks:</p> <p>i. Facilities shall be located at least 50 feet plus the height of the structure from road lines, and lot lines.</p> <p>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</p>	<p>No change.</p>

## Future Land Use Element – Summary of Modifications

Proposed Policy Changes	Explanation
<p>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.</p> <p>iii. No turbines shall be permitted within 150 feet of protected bird nesting and foraging areas including Snail Kite and the American Bald Eagle.</p> <p>b. Construction and Accessories:</p> <p>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.</p> <p>ii. The minimum distance between the ground and any part of the rotor blade system shall be thirty (30) feet.</p>	
<p>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 <del>or 140 feet in height, whichever is less.</del></p>	<p>Removed reference to height to ensure internal consistency with the Comprehensive Plan and with the Land Development Code.</p>
<p>iv. All power transmissions lines from the wind generation electricity generation facilities shall be underground.</p> <p>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.</p> <p>vi. No individual turbine tower facility</p>	<p>No change.</p>

## Future Land Use Element – Summary of Modifications

Proposed Policy Changes	Explanation
<p>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.</p> <p>vii. No individual tower facility shall be installed in any location that may interfere with communications, broadcast, transmissions or other like tool.</p>	
<p>viii. Lighting and height requirements shall be adhered to for compliance with the Federal Aviation Administration and/or the <del>Avon Park Air Force Range Joint Land Use Study (JLUS)</del> <u>standards recommended within the Osceola County JLUS 2012, as applicable.</u></p>	<p>Updated to reference the Osceola County JLUS 2012, which is the implementation document that shall govern compatibility and compliance.</p>
<p>c. Landscaping:</p> <p>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.</p> <p>ii. Appropriate screening shall be provided to screen accessory structures from adjacent residences.</p>	<p>No change.</p>
<p>5. Residential Solar Panels or Photovoltaic technology shall be subject to the following:</p>	<p>No change, including no changes subsections a., b., or c.</p>
<p><b>Note:</b> Changes to formatting, grammar, page numbering and policy titles, and other non-adopted text may be made to ensure legibility and consistency with other elements of the Comprehensive Plan.</p>	

## Transportation Element – Summary of Modifications

Proposed Policy Changes	Explanation
<p><del><b>TRNE Policy 1.10.6: Military installations.</b></del>  <del>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.</del></p>	<p>Deleted and moved forward to the Future Land Use Element for internal consistency within the Comprehensive Plan, as compatibility and coordination are adequately addressed in the Future Land Use Element and the Osceola Joint Land Use Study 2012, which is in the Data and Analysis of the Future Land Use Element.</p>
<p><b>Map TRN 10: Air Transportation Facilities &amp; Special Planning Areas</b></p>	<p>This map is being updated to reflect the following changes based on data established in the Osceola County JLUS 2012</p> <ol style="list-style-type: none"> <li>1. Updated Military Operation Area (MOA) to illustrate coverage areas based on current data.</li> <li>2. Add Restricted Air Space (R2901E) within the Avon North MOA.</li> <li>3. Add MBZ-130 to the map to illustrate areas where military blast noise may reach up to 130 db.</li> <li>4. Update the existing airport facilities in accordance with the 90<sup>th</sup> edition of the FAA Miami Sectional Aeronautical Chart.</li> </ol> <p>See Exhibit C of the Draft Ordinance to view this map.</p>
<p><i><b>Note:</b> Changes to formatting, grammar, page numbering and policy titles, and other non-adopted text may be made to ensure legibility and consistency with other elements of the Comprehensive Plan.</i></p>	

# **ATTACHMENT B**

## **Draft Ordinance**



**ORDINANCE 12-0XX**

**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**, 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 (TBD) 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

**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

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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 **XX** day of August, 2012.

**TRANSMITTAL PUBLIC HEARING: 06/18/12**

**ADVERTISEMENT FIRST HEARING: 05/24/12**

**ADVERTISEMENT SECOND HEARING: 08/xx/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.

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## 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.~~

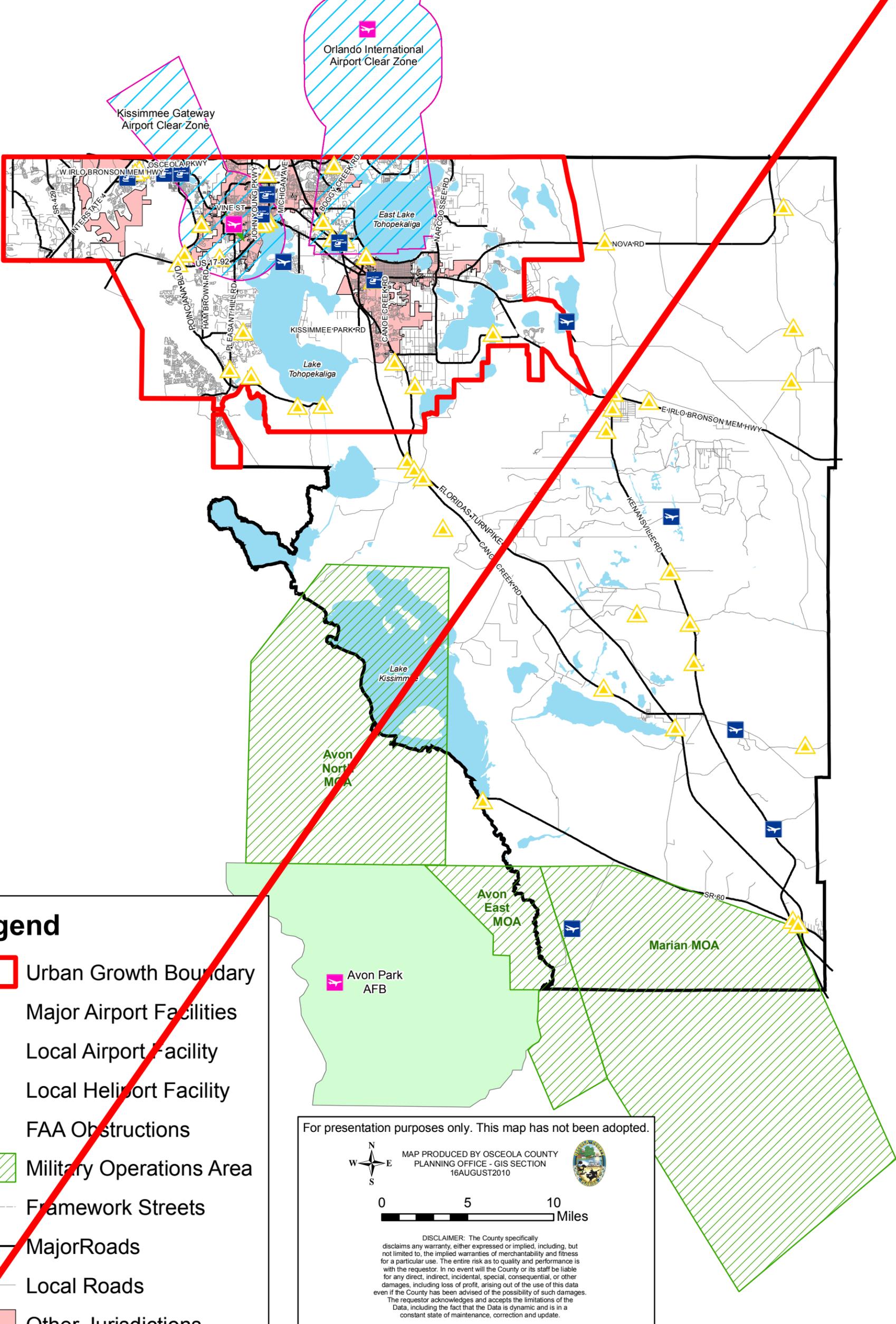
A 3D, yellow-to-orange gradient watermark with the word "draft" in a bold, sans-serif font, tilted slightly to the right. It is positioned in the top right corner of the page.

## EXHIBIT “C”

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

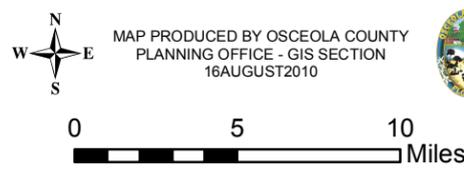
The proposed modifications are illustrated in strike-thru and clean format, with ~~strikethrough~~ denoting the old map that is intended to be deleted and clean map illustrating the new map being adopted with this amendment. No other maps of the Transportation Element (TRNE) are proposed to be modified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

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



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

MAP PRODUCED BY OSCEOLA COUNTY  
PLANNING OFFICE - GIS SECTION  
16 AUGUST 2010



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

