

COUNTY OF HENDRY, STATE OF FLORIDA

ORDINANCE NO. 2016- 10

RECORDED IN ORDINANCE BOOK XVIII , PAGE 178

AN ORDINANCE OF HENDRY COUNTY, FLORIDA AMENDING THE HENDRY COUNTY COMPREHENSIVE PLAN, ORDINANCE 91-05, AS AMENDED, SPECIFICALLY BY AMENDING THE FUTURE LAND USE ELEMENT BY ADDING A NEW SUBAREA POLICY TO IDENTIFY SPECIFIC DETAILS APPLICABLE TO THE HENDRY SOLAR ENERGY CENTER ON 3,127+/- ACRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hendry County, pursuant to Section 163.3161, et. seq., Florida Statutes, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

WHEREAS, the Hendry County Board of County Commissioners adopted the Hendry County Comprehensive Plan on March 5, 1991; and

WHEREAS, State law provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, Florida Power & Light Company (FPL) applied for an amendment to the Future Land Use Element by adding a new subarea policy to identify specific details applicable to the Hendry Solar Energy Center on 3,127+/- acres; and

WHEREAS, the Hendry County Local Planning Agency conducted a public hearing on July 1, 2015, and considered the proposed amendment to the Comprehensive Plan pursuant to the authority granted to it by Section 163.3174, Florida Statutes, and recommended transmittal of said amendment by the Board of County Commissioners; and

WHEREAS, the Hendry County Board of County Commissioners conducted a public hearing on July 14, 2015, and approved transmittal of the amendment to the state land planning agency; and

WHEREAS, upon receipt of Hendry County's proposed amendment, various State agencies and the state land planning agency transmitted in writing to Hendry County their comments, pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, Hendry County, upon receipt of the written comments from the state land planning agency and various State agencies scheduled a required public hearing pursuant to Section 163.3184, Florida Statutes; to either adopt, adopt with changes or not adopt the proposed Plan amendment.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hendry County:

SECTION ONE. COMPREHENSIVE PLAN AMENDMENT

The Hendry County Comprehensive Plan is amended as detailed in Exhibit 1, specifically by adding Subarea Policy 1.1.14.1 to the Future Land Use Element.

SECTION TWO. SEVERABILITY

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any court or competent jurisdiction shall hold any of the provisions of this ordinance unconstitutional or otherwise invalid, the decision of such court shall not affect or impair any remaining provisions of this ordinance.

SECTION THREE. CONFLICTS OF LAW

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted Hendry County Ordinance or Florida Statutes, the more restrictive shall apply.

SECTION FOUR. CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made part of the Hendry County Code; and that the sections of this ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section," "article" or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator's designee, without need of a public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

SECTION FIVE. EFFECTIVE DATE

The effective date of this Plan amendment shall be 31 days after the state land planning agency notifies the County that the Plan amendment package is complete, however, if the Plan amendment is timely challenged, it will not become effective until the state land planning agency or the Administration Commission enters a final order determining the amendment to be in compliance.

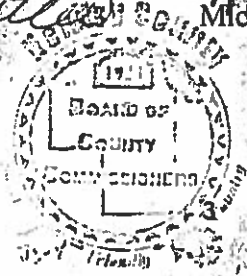
Duly passed and adopted in Regular Session of the Board of County Commissioners of Hendry County, Florida this 12th day of April, 2016.

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA

ATTEST:


Barbara Butler, Clerk


Michael Swindle, Chairman



2.15 – Proposed Future Land Use Element Text Amendment Request

This application requests to amend the Hendry County Comprehensive Plan Future Land Use Element text to add a subarea policy, Policy 1.1.15, which identifies specific details applicable to the proposed Hendry Solar Energy Center. The application was originally filed in July 2015 as a request for approval of a natural gas power plant and solar facility, but has been revised to request approval for the development of an electrical generating facility restricted to solar energy. This comprehensive plan text amendment is a companion application to the future land use map amendment application (CPA 15-0003), included in this submittal document as Application 3 (See Tab 3). As the future land use map amendment application proposes to change the future land use designation for the property from Agriculture (AG) to Electrical Generating Facility (EGF), this text amendment application proposes a specific subarea policy for the property in accordance with the requirements outlined in the EGF future land use category description and guidelines. The subarea policy will define the uses and intensity of the proposed project, specify the dimensional standards, and limit the total area of the site approved for development. The proposed text amendment to the Hendry County Comprehensive Plan Future Land Use Element adds the following subarea policy (*the proposed amended text is in **bold, underlined and italicized***):

Policy 1.1.14.1: ***The development of an electrical generating facility (“Hendry Solar Energy Center”) and related uses will be allowed on approximately 3,127 acres (“Subject Site”), as defined by the legal description included in Comprehensive Plan Amendment No. 15-0003. The electrical generating facility on the Subject Site will be limited to a 325 megawatt (MW) solar power facility. The facility will not be powered by nuclear, coal or gas sources. Solar panel fields will be permitted on the site.***

Pursuant to the EGF future land use category description and development standards, the electrical generating facility shall occupy no more than seventy percent (70%) of the Subject Site and a minimum of thirty percent (30%) of the Subject Site shall be open space. Open space shall be provided in the form of wetlands and wildlife conservation areas, wetland buffers, landscaped buffers located along the Subject Site’s perimeter, storm water management areas and other open, pervious, grassed or landscaped areas on the Subject Site.

The following requirements shall also apply to the Subject Site:

- ***The minimum setbacks for the development of major improvements on the Subject Site shall be measured from the property boundaries as follows: fifty feet (50’) for solar panels and appurtenant structures/equipment along the***

northern and western property boundaries; and one-hundred feet (100') for solar panels and appurtenant structures/equipment along the southern and eastern property boundaries.

- The maximum height for the solar panels on the Subject Site shall not exceed twenty feet (20').
- The facility shall not include any waste disposal areas, fuel and byproducts storage, or storage of raw materials.