

COUNTY OF HENDRY, STATE OF FLORIDA

ORDINANCE NO. 2026 - 19

RECORDED IN ORDINANCE BOOK XXVIII, PAGE 146

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY AMENDING THE COUNTY'S CODE OF ORDINANCES TO AMEND THE LAND DEVELOPMENT CODE TO ADDRESS AND IMPLEMENT RECENT CHANGES IN FLORIDA LAW, SPECIFICALLY, THE REQUIREMENTS ESTABLISHED THROUGH SB 484 WHICH IMPACTS THE BUILDING AND ZONING OF LARGE LOAD CUSTOMERS AND DATA CENTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR APPLICABILITY, CODIFICATION, INCLUSION IN CODE, AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hendry County has adopted the Hendry County Land Development Code pursuant to the authority granted by the Florida Constitution, Florida Statutes, and Laws of Florida; and

WHEREAS, the purpose of the Code is to provide for orderly growth, to encourage the appropriate use of land, to discourage incompatible uses of adjacent properties, and to implement the goals and objectives of the Hendry County Comprehensive Plan; and

WHEREAS, the County has determined there is a need to amend Chapter 1-53, specifically Table 53-1 and Sec. 1-53-2.2; and

WHEREAS, the Hendry County Board of County Commissioners has considered the proposed amendment to the Code of Ordinances and conducted a public hearing to receive public input on August 25, 2026.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Hendry County, Florida, that the following amendments to the Hendry County Code of Ordinance, Section 1-53, Table 53-1 and 1-53-2.2 is hereby made:

SECTION ONE.

Section 1-53 is hereby amended, in the manner set forth in Exhibit A, which is incorporated by reference herein.

SECTION TWO. SEVERABILITY

If any section, phrase, sentence or portion of this ordinance is for any reason 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 thereof.

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 a part of the Hendry County Code; and that 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, or the County Administrator's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Clerk of Circuit Court.

SECTION FIVE. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its filing with the Secretary of State. Duly passed and adopted in Regular Session of the Board of County Commissioners of Hendry County, Florida this 28th day of September, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA


Kimberley Bannineau, Clerk

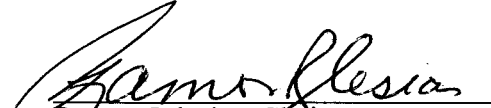

Ramon Iglesias, Chair

EXHIBIT A

Sec. 1-53-2. Zoning districts.

1-53-2.1. *NO CHANGE*

1-53-2.1A. *Reserved. NO CHANGE*

1-53-2.2. *Land use classifications.* For the purpose of this chapter, the following land uses and activities shall be permitted in the respective districts as provided in table 53-1 (Table of Use Regulations) in section 1-53-3.1, below.

The following definitions are hereby established:

Accessory use or structure to Convenience commercial NO CHANGE

Data Center shall have the meaning set forth in F.S. 373.203

Detailed specific area plan to Institution NO CHANGE

Large-scale data center shall have the meaning set forth in F.S. 373.203.

Large load customer shall have the meaning set forth in F.S. 366.043.

Light industrial to Warehousing/distribution NO CHANGE

TABLE 53-1. TABLE OF USE REGULATIONS

		Zoning Districts																
Land Use or Activity		A-1	A-2	RR-WE	RR	RR-F	RG-1	RG-1M	RG-2	RG-2M	RG-3	RG-3M	RG-4	C-1	C-2	C-3	I-1	I-2
(d)	<i>Industrial uses.</i>																	
	Auto salvage/junkyard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
(1)																		
	Light industry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P
(2)																		
	General commercial	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	P
(3)																		
	High-intensity commercial	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	P
(4)																		
	Professional service or office	—	P/2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P/2
(5)																		
	Data center	—	P/7	—	—	—	—	—	—	—	—	—	—	—	—	—	P/6	P/6
(6)																		
	Large-Load customer	—	P/7	—	—	—	—	—	—	—	—	—	—	—	—	—	P/6	P/6
(7)																		
	Large-Scale data center	—	P/7	—	—	—	—	—	—	—	—	—	—	—	—	—	P/6	P/6
(8)																		

P/7 Use permitted by planned unit development in this district subject to the framework established by Hendry County Ordinances, provisions of section 1-53-5 and all requirements in Florida Statutes.