

ORDINANCE 2016 -013

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO ALLOW SOLAR ENERGY PRODUCTION FACILITIES TO THE LIST OF ALLOWABLE USES IN THE AGRICULTURE-2 AND AGRICULTURE-3 FUTURE LAND USE CATEGORIES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida legislature has adopted Chapter 163, F.S., which requires Gadsden County to prepare and adopt and enforce a comprehensive plan; and

WHEREAS, the Gadsden County Planning Commission, acting as the local planning agency, reviewed this amendment and made a recommendation to the Board of County Commissioners; and

WHEREAS, duly noticed public hearings were conducted on such proposed amendment on April 14, 2016, by the Gadsden County Planning Commission and on May 17, 2016 by the Board of County Commissioners; and

WHEREAS, this amendment is known by the name Solar Power Facilities Large Scale Comprehensive Plan Amendment LPA 2016-02; and

WHEREAS, the proposed amendment has been processed under the expedited state review process pursuant to the criteria in §163.3184(3), Florida Statutes; and,

WHEREAS, the Gadsden County Board of County Commissioners reviewed and considered all comments received during the public hearing, and have provided for necessary revisions.

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Future Land Use Element of the Gadsden County Comprehensive Plan, as attached hereto as Exhibit "A" and is hereby adopted and approved.

SECTION II: Repeal

All ordinances, or parts of ordinances in conflict herewith are hereby repealed and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION IV: Modification

It is the intent of the Board of County Commissioners that the provisions of this Ordinance, including the amendment attached hereto as Exhibit "A," may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk pursuant to Section 5.

Section V: Correction of Scrivener's Errors

The County Attorney may correct any scrivener's errors found in this Ordinance, including the Exhibits attached hereto, by filing a corrected copy of the Ordinance with the Clerk.

Section VI: Effective Date

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 County 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 Administrative 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.

The above and foregoing Ordinance was read and approved at a duly convened regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 2nd day of August, 2016.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

By: Brenda A. Holt

Brenda Holt, Chairperson

Nicholas Thomas

Nicholas Thomas
Clerk of the Circuit Court



FUTURE LAND USE ELEMENT

The purpose of the Future Land Use Element and accompanying Future Land Use Map is to designate the future general distribution, location, and extent of the use of land within the unincorporated areas of Gadsden County.

GOAL 1A: PROVIDE A SYSTEM FOR ORDERLY GROWTH AND DEVELOPMENT

Objective 1.1: Provide for certainty in growth and development through the adoption of the Future Land Use Map and Future Land Use categories.

Policy 1.1.1: Gadsden County shall regulate the use of land through the adopted land use categories as follows. The Future Land Use Map (Exhibit 1) shall be used to determine the location and extent of development within Gadsden County.

F. Agriculture-1

- 1) Purpose and Intent – The intent of this category is to provide areas for agricultural activities.
- 2) Designation Criteria – Agriculture uses and residences associated with such uses.
- 3) Density – No more than one dwelling unit per five (5) acres
- 4) Impervious Surface Area – No more than 0.10 lot coverage except the centralized utilities uses are exempted from impervious surface requirements.
- 5) Allowable Uses – Agriculture related uses; Silviculture; residential; houses of worship; cemeteries; recreational activities; commercial activities associated with the primary agricultural use; home occupations; centralized utilities and package plants.
- 6) Development Restrictions - The Family Exception shall be allowed as long as the parent parcel can retain a minimum of three (3) acres, and the granted parcel has a minimum of three (3) acres, and the other requirements of the Land Development Code are met; minimum lot size for the non-residential uses that are also not used for centralized utilities described in this part shall be three (3) acres.

G. Agriculture-2

Development within the Agriculture-2 category shall be the same parameters as the Agriculture-1 land use category in F. above, except that:

- 1) Density - No more than one dwelling unit per ten (10) acres; and,
- 2) Solar power generation facilities are an allowable use on parcels ten (10) acres or greater in size.

H. Agriculture-3

Development within the Agriculture-3 category shall be the same parameters as the Agriculture-1 category in F. above, except that:

- 1) Density - No more than one dwelling unit per twenty (20) acres; and,
- 2) Solar power generation facilities are an allowable use on parcels twenty (20) acres or greater in size.