

ORDINANCE NO. 18-17 / PA-18-02
ECOPLEXUS, INC. – ALTERNATIVE ENERGY GENERATION FACILITY

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING; AMENDING MANATEE COUNTY ORDINANCE 89-01; AS AMENDED THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT, PROVIDING FINDINGS; PROVIDING FOR A PRIVATELY-INITIATED TEXT AMENDMENT BY ECOPLEXUS, INC. TO AMEND ELEMENT 1 DEFINITIONS TO ADD SPECIFIC DEFINITIONS FOR ALTERNATIVE ENERGY GENERATION FACILITY, LOW-TEMPERATURE THERMAL POWER, PHOTOVOLTAIC (PV) SOLAR POWER, SOLAR ARRAY, SOLAR FIELD, UTILITY USE, AND UTILITY USE, HEAVY; TO AMEND ELEMENT 2 FUTURE LAND USE TO REVISE POLICY 2.1.1.5 TO ENCOURAGE THE DEVELOPMENT AND USE OF RENEWABLE ENERGY RESOURCES; AND TO AMEND ELEMENT 3. CONSERVATION TO ADD GOAL 3.5 (PROMOTE THE DEVELOPMENT AND USE OF ALTERNATIVE ENERGY GENERATION FACILITIES) AND OBJECTIVE 3.5.1 (ALTERNATIVE ENERGY GENERATION FACILITIES); AMENDING PROVISIONS OF THE COMPREHENSIVE PLAN TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes empowers the Board of County Commissioners of the County of Manatee to prepare and enforce comprehensive plans for the development of the county; and,

WHEREAS, The Community Planning Act (the “Act”) is codified in the applicable portions of Chapter 163, Part II, Florida Statutes (2017) as amended, empowers and requires the County (a) to plan for the county’s future development and growth, and (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and,

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County, and established the Manatee County Comprehensive Plan; and,

WHEREAS, Application PA-18-02 has been privately initiated by Ecoplexus, Inc. to amend the Comprehensive Plan, to amend text within Element 1 – Definitions, Element 2 - Future Land Use, and Element 3 – Conservation, and,

WHEREAS, Application LDCT 18-01 has been privately-initiated by Ecoplexus, Inc. as an amendment to the Land Development Code to provide, among other matters, implementation of the privately-initiated amendment to the Comprehensive Plan described in Application PA-18-02 applicable to properties within Manatee County; and,

WHEREAS, at a duly noticed public hearing held on March 8, 2018, the Manatee County Planning Commission, as the County’s Local Planning Agency for purposes of the Act, considered Application PA-18-02; and passed a motion to recommend transmittal of Plan Amendment 18-02 to the Board of County Commissioners; and,

WHEREAS, after due public notice, the Board of County Commissioners of Manatee County

received and considered the recommendation of the Manatee County Planning Commission, and held a public hearing on April 5, 2018, to consider Plan Amendment 18-02 and the transmittal of the proposed amendment to the State Land Planning Agency in accordance with the Act; and,

WHEREAS, the State Land Planning Agency by letter dated May 11, 2018, identified no comments related to important State resources and facilities within the Department of Economic Opportunity's (DEO) authorized scope of review that would be adversely impacted by Plan Amendment 18-02, if adopted; and,

WHEREAS, the Florida Department of Transportation by email dated April 12, 2018 had no comments but commended Manatee County for including sustainable resource planning in the Comprehensive Plan and Land Development Code; and,

WHEREAS, the Southwest Florida Water Management District, by letter dated April 30, 2018 state the amendment does not appear to result in any adverse regional water resource-related impacts; and,

WHEREAS, the Florida Department of Environmental Protection, by email dated May 4, 2018, transmitted its review comments for Plan Amendment PA-18-02 and determined no provision in the Plan Amendment, if adopted, would adversely impact important State resources, specifically air and water pollution, wetlands and other surface waters of the State, Federal and State owned lands and interests in lands including state parks, greenways and trails, conservation easements, solid waste, and water and wastewater treatment; and,

WHEREAS, the Florida Fish and Wildlife Conservation Commission, by email dated April 17, 2018, reviewed the proposed comprehensive plan amendment and had no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources; and

WHEREAS, the Florida Department of Agriculture and Consumer Services, by a letter dated April 25, 2018, reviewed the amendment and has no comments related to any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes (2017), on June 7, 2018, the Board of County Commissioners held an adoption public hearing, with due public notice having been provided, to consider said proposed amendment to the Comprehensive Plan; and,

WHEREAS, the Board of County Commissioners further considered all oral and written comments received during said public hearings, the recommendations of the Planning Commission, and the comments of the State Land Planning Agency and all applicable State or local review agencies; and,

WHEREAS, in exercise of said authority, the Board of County Commissioners has determined that the adoption of Plan Amendment PA-18-02 would be in the public interest; and,

WHEREAS, the Board of County Commissioners, based upon the foregoing findings, has determined that the requirements for amending the Comprehensive Plan in Section C.2.3.3, Introduction of the Comprehensive Plan have been satisfied; and,

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to Chapter 163, Part II, Florida Statutes (2016),

and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

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

Section 1. Purpose and Intent: This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in the Act, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth in the “Whereas” clauses above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance.

Section 3. Text Amendments to Definitions: The Manatee County Comprehensive Plan Chapter entitled “Definitions” is hereby amended to add new definitions as described in Exhibit “A” attached hereto and made a part hereof by reference.

Section 4. Text Amendment to Future Land Use Element: The Manatee County Comprehensive Plan, Future Land Use Element is hereby amended to add amended Policy 2.1.1.5 as described in Exhibit “B” attached hereto and made a part hereof by reference.

Section 5. Text Amendment to Conservation Element: The Manatee County Comprehensive Plan, Conservation Element is hereby amended to add new Goal 3.5 and Objective 3.5.1 as described in Exhibit “C” attached hereto and made a part hereof by reference.

Section 6. Severability: If any section, sentence, clause or other provision of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed so as to render invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this Ordinance.

Section 7. Codification: The publisher of the County’s Comprehensive Plan, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3, 4 and 5, as attached hereto of this Ordinance into the Comprehensive Plan.

Section 8. Effective Date: The effective date of this Plan Amendment PA-18-02, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies Manatee County that the adopted plan amendment package for Plan Amendment PA-18-02 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 PA-18-02 to be in compliance. No development orders, development permits, or land uses dependent on this Plan Amendment PA-18-02 may be issued or commenced before it has become effective.

DULY ADOPTED with a quorum present and voting this 7th day of June, 2018.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Priscilla Trace, Chairman

**ATTEST: ANGELINA COLONNESO
 CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: _____
Deputy Clerk

COMPREHENSIVE PLAN TEXT AMENDMENT – ECOPLEXUS, INC.

DEFINITIONS

1. Amendment to the following definitions:

Alternative Energy Generation Facility shall mean a facility that utilizes Photovoltaic Solar Power to generate electricity. This facility may also have other equipment that is directly involved in the storage and transmission of electricity.

Low-Temperature Solar Thermal Power shall mean the technology that utilizes solar thermal collectors to absorb the heat from the sun's rays and transfer it to a heat transfer fluid, such as air, water or antifreeze, which in turn transports it to the area to be heated.

Photovoltaic (PV) Solar Power shall mean the technology that uses photovoltaic cells to harness radiant energy from the sun and create electricity. These cells are often packaged into panels that can be mounted on a rack system, placed on rooftops, or incorporated into other building materials such as roofing materials, facades, and glass. Rack mounted PV systems typically consist of a large array of solar panels which are mounted to support structures which are physically secured in the ground.

Solar Array. (See Alternative Energy Generation Facility)

Solar Field. (See Alternative Energy Generation Facility)

Utility Use shall mean any of the following uses:

- A. Electric substations or distribution centers including transformer stations.
- B. Alternative Energy Generation Facility.
- C. Natural gas, oil or other petroleum product metering, regulating, compressor, control or distribution stations, and local office space incidental thereto and necessary for the operation of such station, but shall not include any storage facilities.
- D. Telecommunication facilities, including but not limited to exchanges, dial centers, or repeater stations. Telecommunication towers and antennas are not included in the definition of "Utility Use".
- E. Service or supply yards for any of the above uses, where such yards are less than one (1) acre in area.

Utility Use, Heavy shall include:

- A. Power generating facilities, including Low Temperature Solar Thermal, operating at a threshold above that specified in Section 403.506, Florida Statutes, as may be amended.
- B. Major Electrical Transmission Corridors.
- C. Major sewage pumping facilities.
- D. Major potable water storage, control, or pumping facilities.
- E. Wastewater treatment plants.
- F. Water treatment plants.
- G. Major maintenance facilities.
- H. Solid waste transfer stations.

EXHIBIT 'B'
ORDINANCE 18-17

COMPREHENSIVE PLAN TEXT AMENDMENT – ECOPLEXUS, INC.

FUTURE LAND USE ELEMENT

1. Amendment to **Policy 2.1.1.5**

Policy 2.1.1.5 Ensure the availability of sufficient land area for the location of appropriately sited public and private utility facilities. Consider amendments to the Future Land Use Map to the P/SP (1) category to allow development of major public or semi-public uses (e.g., electrical generation facilities operating at a threshold above that as specified in Section 403.506, Florida Statutes, as may be amended, electrical transmission lines equal to or greater than 240KV) in appropriate areas when compatible with surrounding development. Encourage the development and use of local renewable energy resources and alternative energy generation facilities.

COMPREHENSIVE PLAN TEXT AMENDMENT – ECOPLEXUS, INC.

CONSERVATION ELEMENT

1. Add **Goal 3.5**

Goal 3.5

Promote the development and use of alternative energy generation facilities.

2. Add **Objective 3.5.1.**

Objective 3.5.1. Alternative Energy Generation Facilities.

Promote the development of efficient and environmentally sound energy generation facilities to help reduce the adverse environmental impacts from coal, oil, and natural gas based power generation facilities. Allow consideration of such facilities in all Future Land Use Categories with appropriate zoning and as further defined in the Land Development Code.

Implementation Mechanism:

- (a) Adopt Land Development Regulations to provide a permitting process for the approval and development of renewable and alternative energy generation facilities.