LEON COUNTY ORDINANCE NO. 2020- 01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING SECTION 10-1.101, DEFINITIONS; CREATING A NEW SECTION 10-6.820 ENTITLED "SOLAR ENERGY SYSTEMS"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners desires to encourage the use of alternative and sustainable forms of energy such as solar energy systems;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Amending Section 10-1.101, Definitions.

Section 10-1.101 of Article I of Chapter 10, the Land Development Code, of the Code of Laws of Leon County, Florida, entitled "Definitions", is hereby amended to read as follows:

Sec. 10-1.101 - Definitions.

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Accessory ground-mounted solar system. See *Solar energy system.*

* * *

Building-mounted solar system. See *Solar energy system.*

* * *

Photovoltaic (PV) shall pertain to the direct conversion of light into electricity.

Photovoltaic (PV) array or *array* shall mean an interconnected system of PV modules that function as a single electricity-producing unit. The modules are assembled as a discrete structure, with common support or mounting. In smaller systems, an array can consist of a single module.

Photovoltaic (PV) module shall mean the smallest environmentally protected essentially planar assembly of solar cells and ancillary parts, such as interconnections, terminals, (and protective devices such as diodes) intended to generate direct current power under unconcentrated sunlight.

Photovoltaic (PV) system shall pertain to a complete set of components for converting sunlight into electricity by the photovoltaic process, including the array and balance of system components.

* * *

Solar access easement shall mean an easement obtained for the purpose of maintaining exposure of a solar energy device to receive sunlight and in compliance with section 704.07, F.S.

Solar energy system shall mean a complete assembly consisting of one or more solar collectors and associated mounting hardware, energy storage, associated structures or equipment. Examples of this may include, but are not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

(1) *Accessory ground-mounted solar system* shall mean a solar energy system that is a stand-alone ground-mounted accessory structure in conjunction with a principal use or structure on the site.

(2) *Building-mounted solar system* shall mean a solar energy system that is mounted on a principal structure and may include solar thermal panels, solar hot water system panels and photovoltaic panels.

(3) *Utility-scale solar system* shall mean a photovoltaic system that is connected to either the local utility power grid or the high voltage transmission grid for distribution to consumers in the electricity market as a commercial venture and providing more than 100 kw of AC power generation.

* * *

Utility-scale solar system. See *Solar energy system.*

* * *

Section 2. Creating Section 10-6.820, Solar Energy Systems.

Section 10-6.820 of Article VI of Chapter 10, the Land Development Code, of the Code of Laws of Leon County, Florida, entitled "Solar Energy Systems," is hereby created to read as follows:

Sec. 10-6.820 – Solar Energy Systems.

1. *Purpose and Intent*. The purpose of this section is to provide the appropriate development standards to support sustainable and renewable solar energy production while mitigating off-site impacts, the protection of environmental features and ensuring the continued health, safety and welfare of the public.

2. *Development Standards.* The installation of solar energy systems shall require, at minimum, a building permit but may also require additional review based upon the type and scope of the installation. The installation of solar energy systems for both residential and non-residential uses shall comply with the following standards.

a. *Building-mounted solar systems.* The following standards apply to building-mounted solar systems:

1) *Location.* Building-mounted solar systems shall be allowed in any zoning district. No part of the building-mounted solar system shall be mounted on a free-standing wall or fence.

2) *Height.* Shall not exceed four feet above the height of any principal building and in no instance shall the building-mounted solar system structure and associated equipment exceed the maximum building height of the zoning district, unless granted a variance by the Board of Adjustment and Appeals in accordance with Article II, Division 3.

3) *Permit requirements.* All building-mounted solar systems shall require submittal of a building permit application. The building permit application shall include the following information at minimum:

a) The manufacturer's installation instructions of the solar equipment;

b) An electrical diagram of the system and all electrical connections, including inverter placements, storage devices and system disconnect locations. Electrical connections shall be completed by a Florida licensed electrical contractor;

c) A wind load analysis for 120 mph (3 second gust) hurricane-force winds (or the minimum required by the latest revision of the Florida Building Code); and

d) A sketch diagram identifying the location of the solar energy equipment on the structure.

b. *Accessory ground-mounted solar systems.* Accessory ground-mounted solar systems shall be considered accessory structures and will be subject to the accessory structure requirements noted in Article VI, Division 8 of the LDC. Non-residential accessory ground-mounted systems shall not be subject to the accessory structure size limitations outlined in Article VI, Division 8 of the LDC if located inside the Urban Service Area. Accessory ground-mounted systems shall be limited to no more than 100 kilowatts outside the Urban Service Area and not to exceed one acre of system size. The following standards shall apply to all accessory ground-mounted solar systems:

1) *Location.* Accessory ground-mounted solar systems shall be allowed in any zoning district on a developed parcel with a principal structure, provided the accessory ground-mounted solar system:

a) Shall not be located within the required front yard setback as defined in the applicable zoning district;

b) shall not be located over a septic system or drainfield unless approved by the Florida Department of Health in Leon County;

c) shall not be located within preservation areas as defined in Article IV of the LDC; and

d) if located within a conservation area and/or special development zone, the accessory ground-mounted solar system shall be consistent with Article IV of the LDC.

2) *Height.* Shall not exceed the height allowed in the zoning district as measured from average grade at the base of the structure to the highest point of the array or solar structure.

3) *Permit requirement.* A building permit application for a residential accessory ground-mounted solar system shall require submittal of the information noted in subsection 2.a.3. above, along with the following information:

a) Site plan identifying the location of the proposed accessory ground-mounted solar system in relation to property boundaries, any existing improvements on the property, trees and/or easements. Measurements for setback compliance shall be measured from the outermost edge of the structure (including the panels and/or associated mounting equipment) to any other structure or property line; and,

b) Height of the proposed structure and associated equipment.

4) *Modification of site plan.* Accessory ground mounted systems for non-residential uses may require modification to the associated site and development plan and environmental permit.

5) *Exemptions.* Projects 1,000 square feet or less in total panel area and not located within the Bradfordville Study Area, Lake Jackson Basin, or any closed drainage basin shall be exempt from environmental permitting. A site may only use this exemption for a total of up to 1,000 square feet. If the total additions exceed 1,000 square feet, a permit will be required. For those systems located within the Bradfordville Study Area, Lake Jackson Basin, or any closed drainage basin that are less than 1,000 square feet, environmental permitting shall be completed via the Short Form B-Low permit application.

c. *Utility-scale solar systems.* The following standards shall apply to utility-scale solar systems:

1) *Location.* Utility-scale solar systems shall only be allowed in the Industrial, M-1, UF and Rural zoning districts. Regardless of zoning, these uses shall not be allowed in areas designated as Agriculture/Silviculture/Conservation on the Future Land Use Map of the Comprehensive Plan. Due to the anticipated scale and off-site impacts to residential properties and rural viewsheds, proposed utility-scale solar systems shall be considered special exception uses in the Rural and UF zoning district and shall be further regulated by Article VI, Division 6 of the LDC, as applicable. Proposed utility-scale solar systems in the Rural and UF zoning districts shall be subject to provision of the following additional documentation:

a) The application shall provide documentation which demonstrates that the proposed use will not require the removal of an established conservation or preservation area in whole or in part.

2) *Scale.* Proposed utility-scale solar energy systems shall not exceed 800 acres in size in the Urban Fringe or Rural zoning district. There is no restriction on size in the M-1 or Industrial zoning district but the proposed use shall meet all applicable development standards.

3) *Height.* Shall not exceed the height allowed in the zoning district as measured from average grade at the base of the structure to the highest point of the array or solar structure.

4) *Setbacks and buffers.* The following setback and buffer standards shall apply to utility-scale solar energy systems adjacent to a residential land use, habitable dwelling on an adjacent property, or roadway:

System size:	Buffer standard:	Setback:
Less than or equal to 50 acres	Type "D"	75 feet
Greater than 50 acres	Type "D"	200 feet[1]

1. A deviation to allow a reduction of up to 50% of the setback may be allowed if existing vegetation within the buffer meets or exceeds the Type "D" buffer standard.

For solar energy systems adjacent to any other land use, the following buffers and/or setbacks shall apply:

System size:	Buffer standard:	Setback:
Less than or equal to 50 acres	N/A	Principal structure setbacks for applicable zoning district
Greater than 50 acres	Type "D"	100 feet[1]

1. A deviation to allow a reduction of up to 50% of the setback may be allowed if existing vegetation within the buffer meets or exceeds the Type "D" buffer standard

Proposed solar energy systems shall be set back no less than 200 feet from a designated Canopy Road. In no case, shall a deviation or variance be permitted to reduce the setback from a designated Canopy Road.

5) *Security.* A utility-scale solar energy facility shall be enclosed by a security fence no less than six feet in height. Access gates and equipment cabinets shall be locked when not in use.

6) *Glare and lighting.* The solar energy system components shall be designed with an anti-reflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, or persons traveling adjacent or nearby roads. If lighting is required, it shall be activated by motion sensors, fully shielded or fitted with recessed bulbs so as to minimize light trespass.

7) *Low Impact Development.* The applicant shall provide a management plan that demonstrates utilization of native perennial vegetation to help reduce stormwater runoff, soil conservation and impacts to wetlands and waterbodies. Staff would also encourage the dual use of other agricultural opportunities such as, but not limited to, apiaries to provide pollinator benefits to nearby crops and/or vegetation and grazing to reduce vegetation maintenance costs.

8) *Local utility approval.* If connection to a local utility grid is proposed, the applicant shall provide documentation of an executed interconnection agreement prior to site plan approval.

9) *Permit process.* Proposed utility-scale solar energy systems may be included in the site and development plan for any proposed residential or non-residential development utilizing such system. For all developments and redevelopments, the following shall apply in addition to subsection 2.a.3:

   a) Permitted Use Verification, consistent with Article VII, Division 4, is required to determine eligibility and permit process;

b) Pursuant to Article IV, Division 2, a Natural Features Inventory is required to identify environmental features and constraints;

c) An Administrative Streamlined Application review (ASAP) pursuant to Article VII, Division 4, is required provided the application proposes gross building area of no greater than 1,000 square feet or an increase in impervious surface area on the subject parcel of no greater than ten percent. If the proposed utility-scale solar energy system exceeds the ASAP threshold, the application shall be reviewed under a Type "A" site and development plan review in accordance with Article VII, Division 4. For developments considered special exception uses, the application shall require review pursuant to the Type "C" site and development plan review process in accordance with Article VII, Division 4;

d) Environmental Permit shall be required consistent with Article IV of the LDC;

e) Building Permit Application may be required to demonstrate compliance with applicable provisions of the Florida Building Code.

10) *Removal of abandoned systems.* Any solar energy system that is not operated for a period of 12 months shall be considered abandoned. Determination of the date of abandonment shall be made by the County Administrator or designee, based upon documentation and/or affidavits from the solar energy system owner/operator regarding the issue of usage. Upon the determination of such abandonment, the owner/operator of the solar energy system shall have an additional 180 days within which to: (1) reactivate the use of the solar energy system or transfer the system to another owner/operator who makes actual use of the system, or (2) dismantle and remove the solar energy system. The owner(s) of an abandoned solar energy system and the owner of the property where the system is located shall be responsible for the removal of the abandoned system or abandoned portions of a system. If the discontinuation of a solar system is the result of a disaster, as defined in Section 10-1.101, the property owner shall be provided additional 180-day extensions by the Development Review Committee in order to complete the repair or reconstruction of the system Additional extensions to complete the repair or construction of the system may be granted by the Development Review Committee if the system owner/operator is working in good faith towards restoration of the system. Should the owner or operator of the solar energy system fail to remove the system as required in this section, the County may proceed with the removal of the abandoned solar energy system.

11) *Restoration of a site.* Once a solar energy system has been removed, the site shall be restored to condition that will allow effective reuse comparable to surrounding properties within six months of non-use unless the site is exempt pursuant to F.S. 823.14 or has received approval for redevelopment.

Section 3. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 4. Severability.

If any word, phrase, clause, section, or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 5. Effective Date.

This ordinance shall have effect upon becoming law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 28th day of January, 2020.

LEON COUNTY, FLORIDA

By: _____
Bryan Desloge, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

By: _____
Herbert W. A. Thiele, Esq.
County Attorney