

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA
OFFICE OF THE COUNTY MANAGER
AGENDA ITEM COVER SHEET**

DATE: 05/30/2024

MEETING DATE: 6/25/2024

TO: Jennifer Barker, County Manager

ITEM TYPE: Public Hearing

THRU:

ITEM ID: 4496

Melanie Marsh, County Attorney

BY: Nova Atkinson, Paralegal

SUBJECT: Floating Solar Facilities Lake County Code Amendment

RECOMMENDATION/REQUIRED ACTION: Approve

Adopt

Recommend approval and adoption of an Ordinance amending Section 22-19, Lake County Code, entitled *Architectural standards applicable to residential waivers or deferrals*, to permit Floating Solar Facilities in all zoning districts. This amendment is required as a result of a Legislative change per HB 1411 (2022). There is no fiscal impact.

BACKGROUND SUMMARY: Recent amendments to State law as set forth in Chapter 2022-83, Laws of Florida, codified in Section 163.32051, Florida Statutes, defines the term “floating solar facility” and provides that a floating solar facility must be a permitted use in appropriate land use categories in each local government’s Comprehensive Plan and each local government must amend its land development regulations to promote the expanded use of floating solar facilities.

The Board of County Commissioners is considering under a separate agenda item an ordinance that will amend Section 3.01.03, Land Development Regulations, to comply with the applicable Florida Statutes, by identifying floating solar as a permitted use in all zoning categories. However, it is necessary to adjust the impact fee provisions of the Lake County Code as well to address floating solar facilities.

The Affordable Housing Advisory Committee and the Home Builders Association of Lake-Sumter were provided a copy of the proposed Ordinance on May 6, 2024. The Board of County Commissioners approved this proposed Ordinance for advertising on May 21, 2024.

Fiscal Impact: There is no fiscal impact.

Account No.:

Advertised Date: 6/14/2024

Paper: Daily Commercial

Attachments:

1.	Proposed Ordinance
2.	Business Impact Exemption Code Floating Solar Facilities

STAFF APPROVALS AND DATES:

Nova Atkinson	Created/Initiated - 5/30/2024
Melanie Marsh	Approved - 6/10/2024
Allison Tesla	Approved - 6/11/2024
Melanie Marsh	Approved - 6/12/2024
Jennifer Barker	Approved - 6/12/2024
Misty Spahn	Final Approval - 6/13/2024

ACTION TAKEN BY BOARD:

Action: New

Continued/Deferred Until:

Other:

Summary of Ordinance

The purpose of this Ordinance is to amend Section 22-19, Lake County Code, entitled *Architectural standards applicable to residential waivers or deferrals*, to encourage the use of floating solar facilities in compliance with Section 163.32051, Florida Statutes.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

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ORDINANCE 2024-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 22-19, LAKE COUNTY CODE, ENTITLED ARCHITECTURAL STANDARDS APPLICABLE TO RESIDENTIAL WAIVERS OR DEFERRALS, TO PERMIT FLOATING SOLAR FACILITIES IN ALL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, recent amendments to State law as set forth in Chapter 2022-83, Laws of Florida, codified in Section 163.32051, Florida Statutes, defines the term “floating solar facility” and provides that a floating solar facility must be a permitted use in appropriate land use categories in each local government’s Comprehensive Plan and each local government must amend its land development regulations to promote the expanded use of floating solar facilities; and

WHEREAS, under Chapter III, Conservation Element, Objective III-4.2, Energy Conservation, Lake County 2030 Comprehensive Plan, the County encourages the use of solar and other clean alternative energy sources and thus satisfies the portion of Section 163.32051, Florida Statutes, that requires floating solar facilities to be allowed and encouraged in the Comprehension Plan; and

WHEREAS, to fully comply with Section 163.32051, Florida Statutes, requiring floating solar facilities to be permitted and encouraged in the Land Development Regulations, restrictive language in Section 22-19 should be amended; and

WHEREAS, the Board has determined that adopting this Ordinance is in the best interests of the residents of Lake County, Florida.

1 **Section 4. Severability.** If any section, sentence, clause, or phrase or word of this
2 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
3 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
4 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners’
5 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
6 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
7 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
8 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
9 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
10 other person, property or circumstances.

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12 **Section 5. Filing with the Department of State.** The Clerk shall be and is hereby
13 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the
14 State of Florida in accordance with Section 125.66, Florida Statutes.

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16 **Section 6. Effective Date.** This Ordinance shall become effective as provided for by
17 law.

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20 ENACTED this day of _____ day of _____, 2024.

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22 FILED with the Secretary of State the ____ day of _____, 2024.

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26 ATTEST:
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31 _____
32 Gary J. Cooney, Clerk
33 Board of County Commissioners of
34 Lake County, Florida

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37 BOARD OF COUNTY COMMISSIONERS
38 OF LAKE COUNTY, FLORIDA
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40 _____
41 Kirby Smith, Chairman
42 This ____ day of _____, 2024.

37 Approved as to form and legality:
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39 _____
40 Melanie Marsh, County Attorney



Business Impact Estimate Exemption

Summary of Ordinance:

In accordance with Section 125.66(3)(c), Florida Statutes, the requirement to prepare and post a Business Impact Estimate does not apply to certain conditions. Those conditions are listed below. If any of the boxes are checked below, the Business Impact Estimate is not required.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the county government;
- The proposed ordinance is an emergency ordinance;
- The proposed ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If none of the conditions above apply to the proposed ordinance, the Business Impact Estimate will be completed in accordance with Section 125.66, Florida Statutes.