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 Teslia 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).

ORDINANCE 2024-__

5

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 22-19, LAKE COUNTY CODE, ENTITLED ARCHITECTUAL 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.

46 47

1

2

3

NOW THEREFORE, be it ordained by the Board of County Commissioners of Lake County, Florida, as follows:

Section 1. <u>Legislative Findings of Fact</u>. The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. <u>Amendment.</u> Section 22-19, Lake County Code, entitled *Architectural standards applicable to residential waivers or deferrals*, is hereby amended to read as follows:

(All preceding portions of Section 22-19 shall remain unchanged.)

(c) Equipment. All miscellaneous equipment, including, but not limited to, utility meters, conducing units, pool equipment, satellite dishes, irrigation controllers, solar panels and plumbing stacks shall be located in such a way that the equipment is not visible from adjacent streets to the greatest extent possible. Floating solar facilities shall not be considered miscellaneous equipment for the purposes of this Section. Hedges, low fence/wall enclosures or other landscape means shall be used to screen equipment. When landscaping is used to screen equipment it must be large enough to screen at the time of planting. When walls or fences are used, landscaping should be used around the base of the wall or fence, or climbing landscape, to soften such features. Air conditioners and other equipment may be located in the side yard setback (if the side yard setback is at least ten (10) feet wide and the equipment is located in the rear half of the property and screened from view of the street with a solid hedge, wall or fence); otherwise such equipment shall be placed along the rear wall of the home. The placement of above ground propane tanks are allowed in the side yard of the lot provided that they are located thirty (30) feet back from the front property line and comply with all applicable codes, manufacturer requirements and servicing propane company requirements, but they shall be screened behind landscape vegetation mature enough to fully screen the tank from view of the street at the time it is planted or behind a permanent wing wall or solid fence that is part of the architectural design on the house. Above ground tanks may be placed in the front yard if designed to be situated behind a permanent wing wall or solid fence that is part of the architectural design of the house.

(All following portions of Section 22-19 shall remain unchanged.)

Section 3. Inclusion in Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase to accomplish such intentions.

1	Section 4. Severability. If any s	section, sentence, clause, or phrase or word of this	
2	any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance; and it shall be construed to have been the Commissioners' intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions		
3			
4			
5			
6			
7			
8			
9	circumstances or set of circumstances, such holding shall not affect the applicability thereof to any		
10	other person, property or circumstances.		
11			
12	Section 5. Filing with the Depar	rtment 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 12	25.66, Florida Statutes.	
15			
16	Section 6. Effective Date. This Control	Ordinance shall become effective as provided for by	
17	law.		
18			
19			
20	ENACTED this day of day	y of, 2024.	
21		1 6	
22	FILED with the Secretary of State the	day of, 2024.	
23			
24			
2526	ATTEST:	BOARD OF COUNTY COMMISSIONERS	
27	ATTEST.	OF LAKE COUNTY, FLORIDA	
28		OF LAKE COUNTY, FLORIDA	
29			
30			
31	Gary J. Cooney, Clerk	Kirby Smith, Chairman	
32	Board of County Commissioners of	Timey Simon, Chairman	
33	Lake County, Florida	This day of, 2024.	
34		, 202	
35			
36			
37	Approved as to form and legality:		
38			
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:	
 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	

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.