

ORDINANCE NO. 2022- _____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING SECTION 901.03 (DEFINITIONS IN ALPHABETICAL ORDER) OF CHAPTER 901 (DEFINITIONS) AND SECTION 911.06 (AGRICULTURAL AND RURAL DISTRICTS) OF CHAPTER 911 (ZONING) OF THE CODE OF INDIAN RIVER COUNTY IN ORDER TO ALLOW SOLAR FACILITIES AS A PERMITTED USE PER STATE STATUTE; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the 2021 Legislative session, the Florida Legislature created section 163.3205, Florida Statutes, which mandates that solar facilities shall be a permitted use in all agricultural zoning districts within the unincorporated area; and

WHEREAS, the Code of Indian River County needs to be amended, in order to be consistent with section 163.3205, Florida Statutes,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

Section 1. Enactment Authority.

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

Section 2. Amendment of Section 901.03 (Definitions in alphabetical order) of Chapter 901 (Definitions).

New language indicated by underline, and deleted language indicated by ~~strikethrough~~.

Section 901.03 (Definitions in alphabetical order) of Chapter 901 (Definitions) of the Code of Indian River County, Florida is hereby amended to read as follows:

CHAPTER 901- DEFINITIONS

* * *

Section 901.03.- Definitions in alphabetical order.

* * *

Soil, well drained water is removed from the soil readily, but not rapidly. It is available to plants throughout most of the growing season, and wetness does not inhibit growth of roots for significant periods during most growing seasons. Well drained soils are commonly medium textured. They are mainly free of mottling.

Solar facility means a production facility for electric power which:

(a) Uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite.

(b) Consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components.

(c) May include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

Solid waste garbage, refuse, yard trash, clearing debris, white goods, special waste, ashes, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

* * *

Section 3. Amendment of Section 911.06 (Agricultural and rural districts) of Chapter 911 (Zoning).

New language indicated by underline, and deleted language indicated by ~~strike through~~.

Section 911.06 (Agricultural and rural districts) of Chapter 911 (Zoning) of the Code of Indian River County, Florida is hereby amended to read as follows:

CHAPTER 911- ZONING

* * *

Section 911.06.- Agricultural and rural districts.

* * *

(4) *Uses*. Uses in the agricultural and rural districts are classified as permitted uses, administrative permit uses and special exception uses.

* * *

	District				
Uses	A-1	A-2	A-3	RFD	RS-1

Utility					
Public and private utilities, limited	A	A	A	S	S
Public and private utilities, heavy	S	S	S	S	S
<u>Solar facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-
Reservoirs, water farming	P	P	P	-	-

Section 4. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Severability. If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 6. Codification. It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

Section 7. Effective Date. This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the 2nd day of January, 2022, for a public hearing to be held on the 18th day of January, 2022, and in the Indian River Press Journal on the 23rd day of January, 2022, for a public hearing to be held on the 1st day of February, 2022 at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Peter D. O'Bryan	_____
Vice-Chairman Joseph Earman	_____
Commissioner Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Laura Moss	_____

The Chairman thereupon declared the ordinance duly passed and adopted this ____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA

By: _____, Chairman

ATTEST: Jeffrey R. Smith, Clerk and Comptroller

By: _____
Deputy Clerk

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the ____ day of _____, 2022.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Dylan Reingold, County Attorney

APPROVED AS TO PLANNING MATTERS

Phillip J. Matson, AICP; Community Development Director