

INDIAN RIVER COUNTY, FLORIDA
M E M O R A N D U M

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr.; County Administrator

FROM: Ryan Sweeney; Interim Assistant Planning & Development Services Director

DATE: October 10, 2023

SUBJECT: Consideration of a Land Development Regulation (LDR) Amendment for the Site Plan Review and Approval Procedures for Solar Facilities (LDRA-23-10-01 / 2022020086-95412)

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of October 31, 2023.

BACKGROUND

Lucido & Associates, on behalf of Florida Power and Light (FPL), submitted a formal amendment application to the County's land development regulations (LDRs) to amend the review and approval procedures for solar facilities located within the A-1, A-2, and A-3 zoning districts. As proposed, the amendment will allow solar facilities in the A-1, A-2, and A-3 zoning districts to be reviewed and approved via the minor site plan review process, which can be approved by the Planning & Development Services Director (i.e. staff level), and will no longer require PZC approval.

Over the past several years, Planning Division staff has processed a total of six separate site plan applications for solar facilities located on agriculturally zoned parcels. Originally, the County's LDRs required solar facilities to be processed and approved via the special exception review process, which required two public hearings (one by the PZC, and a second by the BCC). In February 2022, the LDRs were amended to allow solar facilities as permitted uses in the A-1, A-2, and A-3 Zoning Districts, eliminating the special exception requirement. However, Section 914.06(1) still requires solar facilities to be processed as a major site plan. If the project's total new impervious area exceeds 150,000 square feet (SF), then the major site plan requires the PZC approval.

The BCC shall now conduct a public hearing to consider the proposed LDR amendment, and adopt, adopt with modifications, or deny the proposed amendment.

PLANNING AND ZONING COMMISSION (PZC) RECOMMENDATION:

At its regular meeting of September 28, 2023, the PZC conducted a public hearing and considered the proposed LDR amendment. The PZC voted 6-0 to recommend that the BCC adopt the proposed LDR amendment.

ANALYSIS

Pursuant to Section 911.06(4), solar facilities in the A-1, A-2, and A-3 zoning districts are classified as permitted uses. The regulations state that site plan review shall be required for the construction, alteration and use of all structures and buildings (except single-family dwellings and permitted agricultural uses) in these districts. However, under the current LDRs, a solar facility that exceeds 150,000 SF of new impervious area also requires PZC approval.

The proposed amendment would create a new subsection “c.” within Section 914.06(1)(a)4., and would allow solar facilities in the A-1, A-2, and A-3 zoning districts to be reviewed and approved via the minor site plan review process, regardless of new impervious area. If approved, the amendment would allow solar facilities in the A-1, A-2, and A-3 zoning districts to be approved by the Planning & Development Services Director (i.e. staff level). This amendment would not remove or nullify any other LDR requirements for site plan review and approval, or the requirements for meeting all applicable local, state, and/or federal building and construction requirements.

It should be noted that staff did not receive any negative feedback during the review and approval process for the six currently approved solar facilities. Also, five of the six solar facilities are currently in operation, and staff has not received any negative feedback on the operation of those facilities. Planning staff supports the proposed amendment as requested by the applicant.

RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt the proposed solar facilities amendment.

ATTACHMENTS

1. Draft Ordinance