



*Office of*  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
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**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Dylan Reingold, County Attorney  
**DATE:** October 29, 2021  
**SUBJECT:** Solar Facilities Land Development Regulation

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During the 2021 Legislative session, the Florida Legislature enacted SB 896, which requires solar facilities to be a permitted use in all agricultural zoning districts within an unincorporated area. Per the new state statute, solar facilities are required to comply with the setback and landscaped buffer area criteria for other similar uses in the agricultural district.

Under the new statute, which is section 163.3205, Florida Statutes, solar facilities are production facilities for electric power that 1) use photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite; 2) consist principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components; and 3) may include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

Currently, solar facilities are allowed in Indian River County as a special exception use under "Public and private utilities, heavy" use in the A-1, A-2 and A-3 zoning districts. In order to comply with the statutory requirements, County staff recommends that the Indian River County Board of County Commissioners authorize the County Attorney's Office to draft an ordinance which would allow solar facilities as a permitted use in the A-1, A-2 and A-3 zoning districts, but otherwise continue to meet the landscaping and buffer requirements for other "Public and private utilities, heavy" uses.

**FUNDING.**

The only costs for this matter would be the advertising costs for the public hearings.

**RECOMMENDATION.**

The County Attorney recommends that the Board authorize the County Attorney's Office to draft an ordinance allowing solar facilities as a permitted use in the agricultural districts and schedule such ordinance for public hearings.