

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

TO: Jason E. Brown; County Administrator

THROUGH: Phillip J. Matson, AICP; Community Development Director

FROM: Ryan Sweeney; Chief, Current Development

DATE: January 21, 2022

SUBJECT: Consideration of Land Development Regulation (LDR) Amendments to Sections 901.03 and 911.06 Allowing Solar Facilities as a Permitted Use in all Agricultural Zoning Districts

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of February 1, 2022.

BACKGROUND

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 districts.

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.

At its January 18, 2022 meeting, the BCC considered the solar facilities ordinance, did not recommend any proposed changes, and by a 5-0 vote set the second, final hearing to consider adoption of the proposed LDR amendment at the February 1, 2022 regular meeting.

The BCC is now to conduct the final hearing and consider adoption of the proposed ordinance.

ANALYSIS

Currently, the County LDRs do not list solar facilities as an individual type of use. However, solar facilities have been approved in the unincorporated portions of Indian River County as a special exception use under the “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 has drafted 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. Also, any new solar facility will require site plan approval, and must meet all applicable requirements of the County LDRs.

To date, the BCC has granted special exception use approval for a total of four solar facilities. Staff has not received any negative feedback on the previously approved solar facilities, and supports the proposed LDR amendment.

RECOMMENDATION

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

ATTACHMENTS

1. Draft Ordinance