

ORDINANCE NO. 1394-17

AN ORDINANCE OF THE CITY OF LAKE ALFRED, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE OF THE CITY OF LAKE ALFRED, FLORIDA; RELATING TO SOLAR POWER GENERATION FACILITIES AND ELECTRIC POWER PLANTS AMENDING ARTICLE 2 REGULATIONS FOR SPECIFIC ZONING DISTRICTS, TABLE OF LAND USES, TABLE 2.04.03(A) TO INCLUDE SOLAR POWER GENERATION FACILITIES AS A CONDITIONAL USE IN THE RURAL RESIDENTIAL (RR) ZONING DISTRICT, INDUSTRIAL (M-1) ZONING DISTRICT, LIGHT INDUSTRIAL (I-1) ZONING DISTRICT, AND PUBLIC BUILDINGS AND GROUNDS (PB) ZONING DISTRICT, AND AS A SITE PLAN REVIEW PROCESS, IN THE HEAVY INDUSTRIAL (I-2) ZONING DISTRICT; ADDING ELECTRIC POWER PLANTS AS A CONDITIONAL USE IN THE RURAL RESIDENTIAL (RR) ZONING DISTRICT AND REMOVING ELECTRIC POWER PLANTS FROM THE RESIDENTIAL ESTATE (RE) ZONING DISTRICT; AMENDING ARTICLE 3 DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS AND ADDING SECTION 3.09.15 ESTABLISHING DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS FOR SOLAR POWER GENERATION FACILITIES; AND ADDING RELATED DEFINITIONS IN ARTICLE 9 DEFINITIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.04, Florida Statutes (F.S.), an ordinance, deed restriction, covenant, declaration, or similar binding agreement promulgated by local government or a homeowners' association effectively prohibiting renewable energy devices such as solar collectors is expressly prohibited, and

WHEREAS, Section 163.04, Florida Statutes (F.S.) allows the City to regulate the location and installation of renewable energy devices and facilities within the Unified Land Development Code (ULDC); and

WHEREAS, Land development Regulations addressing solar energy are generally divided into two categories 1.) Solar energy systems as an accessory use to a principal structure for onsite use or 2.) Solar Power Generation Facility to produce electricity for use off-site.

WHEREAS, The City has received a ULDC text amendment application from the Tampa Electric Company (TECO) to permit solar power generation facilities within the City of Lake Alfred; and

WHEREAS, the City Commission of the City of Lake Alfred has determined that it is in the best interests of the citizenry and general public to regulate the location of solar power generation facilities within the City of Lake Alfred, Florida in accordance with Florida laws; and

WHEREAS, the City Commission has the responsibility and authority to determine what uses are best suited to particular zoning districts within the City of Lake Alfred, Florida as well as land use designations within the City of Lake Alfred, Florida; and

WHEREAS, the City Commission of the City of Lake Alfred has determined that it is advisable and in the public interest to set certain distance and other siting standards in regard to the location and operation of solar power generation facilities within the City of Lake Alfred, Florida in accordance with Florida laws; and

WHEREAS, the City Commission of the City of Lake Alfred, Florida finds that this ordinance promotes the general health, safety, and welfare of the citizens and residents of the City of Lake Alfred, Florida; and

WHEREAS, in accordance with the procedures required by Sections 166.041 (3)(c)2, Florida Statutes, and other applicable laws and ordinances, the regulations contained within this ordinance were considered by the City's Planning Board, sitting as the Local Planning Agency (LPA) as designated by the City, at a duly advertised public meeting, at which time interested parties and citizens had the opportunity to be heard and such regulations were recommended to the City Commission for adoption; and

WHEREAS, the City Commission, after taking into consideration the recommendations of the Planning Board and the City Staff, and the comments received during the public hearing process, finds that the proposed revisions and amendments are appropriate, desirable, and in the best interests of the City.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Lake Alfred, Florida that this Ordinance is hereby passed for the protection and welfare of the citizens of Lake Alfred, and that:

SECTION 1. RECITALS. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the Commission as the legislative findings and intent pertaining to this Ordinance.

SECTION 2. UNIFIED LAND DEVELOPMENT CODE. The Unified Land Development Code (ULDC) of the City of Lake Alfred is hereby amended as shown in Exhibit "A", which is attached and made a part hereof (deleted provisions are shown in ~~strike through~~ format and new provisions are shown in underlined format).

SECTION 3. CONFLICTS. All ordinances in conflict herewith are hereby repealed to the extent necessary to give this Ordinance full force and effect, provided however, that nothing herein shall be interpreted so as to repeal any existing ordinance or resolution relating to means of securing compliance with the City's Unified Land Development Code (ULDC), unless such repeal is explicitly set forth herein.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City of Lake Alfred, Florida, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. CODIFICATION. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances and/or the Unified Land Development Code of the City of Lake Alfred; and that sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances and/or the Unified Land Development Code of the City of Lake Alfred is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or his or her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage after second reading/public hearing

INTRODUCED AND PASSED on first reading after a public hearing at a regular meeting of the Lake Alfred City Commission held this 6th day of November, 2017.

PASSED AND FINALLY ADOPTED on second reading after public hearing at the meeting of the Lake Alfred City Commission duly assembled on the 20th day of November, 2017.

**CITY OF LAKE ALFRED
CITY COMMISSION**

By: Charles O. Lake
Charles O. Lake, Mayor

ATTEST:

By: Ameé Bailey-Speck
Ameé Bailey-Speck, City Clerk

APPROVED AS TO FORM:

By: Frederick J. Murphy Jr.
Frederick J. Murphy Jr., City Attorney

Exhibit "A"
Ordinance No. 1386-17
Amendments to the Unified Land Development Code

Language stricken is shown in ~~striketrough~~ format; language added is shown in underlined format.

Language begins on next page

2.04.01 Zoning District Summary Tables

TABLE OF LAND USES, TABLE 2.04.01(A)

Category/Use	RR	RE	R-1 AAA **	R-1 AA-B	R-1 AA**	R-1 A**	R-1B	R-1 **	R-2 **	C-1	C-2	C-3	C-4	M-1	I-1	I-2	PB	PR	CN
<p><i>** Uses also apply to districts with C (cluster subdivision) suffix</i> <i>This table must be read with Sections 2.04.02 and Section 2.04.03 for specific information on base zoning and overlay districts</i></p>																			
Public Service Use																			
Auto license/tag facility																		P	
City hall/municipal building																		P	
Communications tower/antenna														D	D	D	D		
Correctional facility		C																P	
Electric power plant	<u>C</u>	<u>E</u>												C	C	D	C		
Fire station																		P	
Jail		C																P	
Police station																		P	
Post office																		P	
Power substation		D	D	D	D	D	D	D	D	P	P	P		P	P	P	P	P	P
Public wellfield w/no treatment																		P	P
Sewage disposal facility		C												C	C	C	C		
Sewer lift station		P	D	D	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Sewer/water plant (Municipal)														P	P	P	P	P	P
Solar Power Generation Facility	<u>C</u>													<u>C</u>	<u>C</u>	<u>D</u>	<u>C</u>		
Telephone switching station		D	D	D	D	D	D	D	D	P	P	P		P	P	P	P	P	P

3.09.00 Development Standards for Uses Requiring a Site Development Plan

3.09.15 Solar power generation facility.

(A) Generally. All solar equipment and devices shall comply with Florida law and shall be certified by the Florida Solar Energy Center. The regulations imposed herein are not intended to prohibit or have the effect of prohibiting the installation of energy devices based on renewable resources pursuant to F.S. § 163.04.

(B) Design standards.

The following provisions are intended to facilitate the commercial generation and distribution of solar power within the city. The Table of Uses, Table 2.04.01(A), outlines the zoning districts where solar power generation facilities are allowed.

(1) Types of Solar Panels. The solar panels shall be ground mounted and may be fixed mount or solar tracker.

(2) Minimum lot size. The minimum lot size shall be ten (10) acres.

(3) Placement. The devices that capture energy and convert it to electricity shall not be placed in wetlands, environmentally sensitive resources or habitats, imperiled and critically imperiled habitats as defined by the Florida Natural Areas Inventory, and buffers. The development shall comply with the requirements of Article 5: Resource Protection Standards of the City Code.

(4) Setbacks. All solar panels and related equipment shall be setback a minimum of 50 feet from all property lines and shall comply with all applicable right-of-way setbacks. On-site power lines and interconnections to electrical grids shall be placed underground where feasible. Transmission lines and supporting poles necessary to move electricity off-site are excluded from this requirement.

(5) Height. The maximum height allowed for all equipment associated with the solar power generation facilities shall be limited to 15 feet in height, excluding transmission lines, supporting poles, and communication equipment. Solar panel height is measured when the panels are tilted to the design degree that creates the greatest overall height. All other structures shall conform with principal structure height requirements of the zoning district.

(6) Fencing. Physical access to a solar power generation facility shall be restricted by fencing or walls. The security fence shall be a minimum height of six feet high and a maximum of eight feet high. When immediately adjacent to single and multi-family residential uses, community uses and commercial uses, opaque fencing shall be required. All fencing and wall details shall be shown on the site plan.

(7) Impervious Surfaces and Landscaping: Solar panels associated with solar power generation facilities are considered pervious if configured to promote sheet flow of stormwater from panels and natural stormwater infiltration into the ground beneath

the panels. The solar panels are not subject to lot coverage restrictions or canopy tree landscaping requirements. Solar power generation facilities must meet the buffering requirements of Section 3.07.04 of this code. However, walls, fences, and berms (or a contribution thereof) a minimum of six feet in height throughout the buffer may be installed to reduce the buffer width and planting requirements by 50%.

- (8) *Glare reduction.* Where ground mounted solar panels face abutting residentially developed or zoned parcels or public roadways, the panels shall be made of glare reducing materials.
- (9) *Emergency access and response.* Reasonable accessibility for emergency service vehicles shall be provided and noted on the site plan. An emergency response plan including access routes, documents, schematics, and important contacts and other technical material must be submitted to the City.
- (10) *Internal access roads.* Internal access roads are not required to meet the street design standards of Section 3.02.03 but must provide sufficient capacity to serve emergency vehicles as established in the emergency response plan.
- (11) *Maintenance.* Solar panels and associated equipment shall be maintained in proper working order and shall not be allowed to enter a state of disrepair.
- (12) *Abandonment.* A solar power generation facility shall be considered abandoned after a one-year period without energy production. The property owner shall be responsible for removing all energy production and transmission equipment and appurtenances within 120 days of abandonment.
- (13) *Utility Coordination.* Prior to site plan approval, the applicant shall submit proof of notice to the utility company that operates the power grid where the solar power generation facility will be located of the intent to develop an interconnected power generation facility. Prior to site construction plan approval, the applicant shall submit proof of an executed interconnection agreement with the utility or other written proof of an agreement with the utility that construction can proceed.

3.07.00 Compatibility, Landscaping and Buffering Standards

3.07.01 Classification of Land Uses

For the purposes of this Section, all land uses are classified in accordance with the following list. Classifications are based upon the incompatibilities present between various types of land uses. Uses with similar density, intensity, off-street parking, paved areas, and traffic generation make up Classifications I through IX.

LAND USE CLASSIFICATIONS

Class	Land Use
I	Single family detached dwellings, including mobile homes on platted lots.
II	Duplex, single family attached, mobile home parks and multi-family residential developments not exceeding 4 units per acre; outdoor recreation facilities; and cemeteries.
III	Professional offices with no more than 8 off-street parking spaces; and child care centers in converted residential structures.
IV	Duplex, single family attached, mobile home parks and multi-family residential developments at a density of 4-8 units per acre.
V	Mobile home parks, single family attached, and multi-family residential developments at a density of more than 8 units per acre; substations, switching stations, or transfer facilities for electric power, natural gas, telephone and cable television service.
VI	Professional offices with 9 or more off-street parking spaces; churches; schools; government buildings and facilities (excluding water and sewer treatment and public works storage and equipment facilities); and commercial development sites with not more than 10 off-street parking spaces.
VII	All retail, wholesale, service, and supporting business uses not already classified; full-service automobile service stations; shopping centers; motels and hotels; and hospitals.
VIII	Light industrial uses; governmental public works storage and equipment facilities.
IX	Heavy industrial uses; <u>electric and solar power generation facilities</u> , water and sewer treatment facilities.

3.07.04 Buffer Yards

**Table 3.07D, Landscape Requirements
Between Proposed and Existing Land Uses**

Proposed Class	Existing								
	I	II	III	IV	V	VI	VII	VIII	IX
I. Single family detached dwellings.	N	A	B	B	C	C	C	D	D
II. Duplex; s.f. attached; m.f. residential up to 4 units/acre; outdoor recreation facilities and cemeteries.	A	N	A	B	B	C	C	D	D
III. Prof. offices with up to 8 parking spaces; and child care centers in converted residential structures.	B	A	N	A	B	B	C	C	D
IV. Duplex, s.f. attached, mobile home parks and m.f. developments at 4-8 units/acre.	B	B	A	N	A	B	C	C	D
V. Mobile home parks, s.f. attached, m.f. developments at 8+ units per acre; utility substations, switching stations, etc.	C	B	B	A	N	A	B	C	C
VI. Prof. offices with 9+ off-street parking spaces; churches; schools; government facilities; and commercial development sites with up to 10 parking spaces.	C	C	B	B	A	N	A	C	C
VII. Other retail, wholesale, service businesses; automobile service stations; shopping centers; hotels/motels; hospitals.	C	C	C	C	B	A	N	B	C
VIII. Light industry; governmental public works storage/equipment facilities.	D	D	C	C	C	C	B	N	B
IX. Heavy industry; <u>electric and solar power generation facilities</u> ; water and sewer treatment facilities.	D	D	D	D	C	C	C	B	N

N = No buffer required

**Table 3.07E, Landscape Requirements
Between Proposed Land Uses and Vacant Property**

Proposed Class		Principal Use Permitted by Zoning District on Vacant Adjoining Property								
		I	II	III	IV	V	VI	VII	VIII	IX
I.	Single family detached dwellings.	N	N	A	A	B	B	B	C	C
II.	Duplex; s.f. attached; m.f. residential up to 4 units/acre; outdoor recreation facilities and cemeteries.	N	N	N	A	A	B	B	C	C
III.	Prof. offices with up to 8 parking spaces; and child care centers in converted residential structures.	A	N	N	N	A	B	B	B	C
IV.	Duplex, s.f. attached, mobile home parks and m.f. developments at 4-8 units/acre.	A	A	N	N	A	A	B	B	C
V.	Mobile home parks, s.f. attached, m.f. developments at 8+ units per acre; utility substations, switching stations, etc.	B	A	A	A	N	A	A	B	B
VI.	Prof. offices with 9+ off-street parking spaces; churches; schools; government facilities; and commercial development sites with up to 10 parking spaces.	B	B	B	A	A	N	A	B	B
VII.	Other retail, wholesale, service businesses; automobile service stations; shopping centers; hotels/motels; hospitals.	B	B	B	B	A	A	N	B	B
VIII.	Light industry; governmental public works storage/equipment facilities.	C	C	B	B	B	B	B	N	A
IX.	Heavy industry; <u>electric and solar power generation facilities</u> ; water and sewer treatment facilities.	C	C	C	C	B	B	B	A	N

N = No buffer required

Article 9: Definitions

Electrical Power Plant: An electrical power generating facility using any process or fuel including the associated facilities and those directly associated transmission lines required to connect the electrical power plant to an existing transmission network or rights-of-way. This term does not include any solar power generation facility of less than 75 megawatts in capacity.

Solar Energy System: The equipment used for collecting, transferring, converting, storing, and/or using solar energy for the generation of electricity. Devices could include solar panels, films, shingles, or other solar components. The equipment could be used for water heating, space heating, cooling, or other applications that normally require an energy source and are located on the same property on which the solar energy is collected. A solar energy system may be mounted on the building or on the ground, and as deemed in these regulations, is not the principal use of the property but is an accessory to a private use.

Solar Panel: A device comprised of solar cells, also known as photovoltaic devices, which convert sunlight into electricity.

Solar Power Generation Facility: A type of electrical power generation facility which utilizes a collection of ground mounted solar panels to produce electricity for off-site use. These facilities are a principal use of a property and include directly associated transmission lines required to connect the solar power generation facility to an existing transmission network or rights-of-way. A solar power generation facility can also be known as a solar power plant, solar farm, or solar generation station.