

**JEFFERSON COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 2020-__ __20-01

AN ORDINANCE OF JEFFERSON COUNTY FLORIDA, AMENDING THE JEFFERSON COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; DESIGNATING THOSE LAND USE DISTRICTS IN WHICH SOLAR PHOTOVOLTAIC COLLECTOR SYSTEMS ARE AN ALLOWABLE USE; PROVIDING A CONFORMING AMENDMENT; ADOPTING NEW STANDARDS FOR THE DEVELOPMENT OF SMALL AND LARGE SOLAR PHOTOVOLTAIC COLLECTOR SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR COPY ON FILE; PROVIDING FOR AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1: FINDINGS OF FACT

WHEREAS, pursuant to the requirements of the Community Planning Act, Chapter 163, Part II, Florida Statutes, Jefferson County has adopted and has in effect a Comprehensive Land Use Plan and a Land Development Code; and

WHEREAS, the demand for renewable energy in Florida has resulted in increasing interest on the part of property owners, energy companies and utilities in developing solar photovoltaic collector systems to provide renewable energy from sunlight; and

WHEREAS, the impact the solar photovoltaic collector systems have on adjacent properties, vehicles traveling on nearby roadways and on community aesthetics varies depending on the size of the systems, its location relative to other uses and such factors as buffers and setbacks; and

WHEREAS, the presence of heavy metals, which may under certain circumstances constitute hazardous materials, as well as concerns for long term community aesthetics, makes it important to adopt standards for solar photovoltaic collector systems for the prompt cleanup and restoration of system sites following storm or other damage, and for the decommissioning and removal of such facilities following abandonment, or at the end of useful life; and

WHEREAS, while the County currently requires that solar photovoltaic collector systems receive approval as a special exception use, greater code specificity is needed to establish separate standards for small and large systems and to designate those zoning districts in which such systems are an allowable use; and

WHEREAS, a public hearing has been conducted after due public notice by the Jefferson County Planning Commission which has recommended adoption of this Ordinance by the Board

of County Commissioners; and

WHEREAS, the Jefferson County Board of County Commissioners has determined that this Ordinance is necessary to protect the health, safety, and welfare of Jefferson County, Florida and its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Jefferson County Board of County Commissioners as follows:

SECTION 2: PURPOSE OF ORDINANCE

The purpose of this Ordinance is to amend the Jefferson County Land Development Code to designate those land use districts that allow solar photovoltaic collector systems and establish standards for development of small and large photovoltaic collector systems.

SECTION 3: ADOPTION OF AMENDMENT TO SECTION 2.2.0 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE.

Land Development Code Section 2.2.0, Allowable Uses within Each Land Use District, is hereby amended as follows:

2.2.0. ALLOWABLE USES WITHIN EACH LAND USE DISTRICT

2.2.1. AGRICULTURAL LAND USE DISTRICTS: AG-20, AG-5, AND AG-3

The Comprehensive Plan 2025 Jefferson County, Florida, specifically makes the following statement: “Farming is the basic intent of Agricultural land use areas. Residential use is allowed but is secondary in nature and must accept all characteristic farm activities of: noise, smells, dust, spray odors, timber clearing, etc.” Agricultural properties can generally be defined as commercial properties since the end result of the agricultural activities are to produce revenue for the owner from the produced end product of the animals raised or the crops harvested. The three Agriculture land use districts generally differ in density standards for residential development, some permitted uses, and some setback standards.

A. The following types of uses are allowed in the Agriculture 20 Land Use District:

Subsections 1) – 13). No change.

14) Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0 (Large Scale Solar Photovoltaic Collector Systems require approval as a major development and special exception).

B. The following types of uses are allowed in the Agriculture 5 Land Use District:

Subsections 1) – 12). No change.

13) Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0 (Large Scale Solar Photovoltaic Collector Systems require approval as a major development and special exception).

C. The following types of uses are allowed in the Agriculture 3 Land Use District:

Subsections 1) – 9). No change.

10) Small Scale Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0.

2.2.2. CONSERVATION

The following uses are allowed in the Conservation land use district.

Subsections 1) – 4). No change.

5) Small Scale Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0.

2.2.3. RESIDENTIAL 1 & RESIDENTIAL 2

The following types of uses are allowed in the Residential I and II land use districts.

Subsections 1) – 4). No change.

5) Small Scale Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0.

2.2.4. PRISON

The following types of uses are allowed in the Prison land use district.

Subsections 1) – 4). No change.

5) Small Scale Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0.

2.2.5. INDUSTRIAL

The following types of uses are allowed in the Industrial land use district. Specifically prohibited are hazardous waste and medical waste disposal facilities.

Subsections 1) – 4). No change.

- 5) Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0 (Large Scale Solar Photovoltaic Collector Systems require approval as a major development and special exception).

2.2.6. MIXED USE -SUBURBAN/RESIDENTIAL

The following types of uses are allowed in the Mixed Use -Suburban/Residential land use district.

Subsections 1) – 8). No change.

- 9) Small Scale Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0.

2.2.7. MIXED USE -BUSINESS/RESIDENTIAL

The following types of uses are allowed in the Mixed Use -Business/Residential land use district.

Subsections 1) – 10). No change.

- 11) Small Scale Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0.

2.2.8. INTERCHANGE BUSINESS

The following types of uses are allowed in the Interchange Business land use district.

Subsections 1) – 6). No change.

- 7) Small Scale Solar Photovoltaic Collector Systems as are allowed by LDC Section 2.11.0.

SECTION 4: ADOPTION OF AMENDMENT TO SECTION 2.9.0 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE.

Land Development Code Section 2.9.0, Transportation/Utility, is hereby amended as follows:

2.9.0. TRANSPORTATION/UTILITY

2.9.1. GENERALLY.

These standards are for those public or private transportation or utility facilities allowed in all Land Use categories which may have characteristics with potential nuisance levels to adjacent property due to noise, light, glare, appearance, or safety concerns which require additional standards.

2.9.2. PERMISSIBLE AND PROHIBITED USES.

In addition to the uses permitted in the underlying Land Use Districts, the following and substantially similar activities, based upon similarity of characteristics are allowed, subject to approval as a Special Exception. Uses not named or not found to be substantially similar are prohibited.

Subsections A – G. No change.

~~H. Solar Photovoltaic facilities~~

SECTION 5: ADOPTION OF A NEWLY CREATED SECTION 2.11.0 OF THE JEFFERSON COUNTY LAND DEVELOPMENT CODE.

Land Development Code Section 2.11.0, Solar Photovoltaic Collector Systems, is hereby created as follows:

2.11.0 SOLAR PHOTOVOLTAIC COLLECTOR SYSTEMS

2.11.1 PURPOSE

The purpose of this ordinance is to set standards for the construction, installation, operation and decommissioning of Solar Photovoltaic Collector Systems in a manner that promotes Economic Development and ensures the protection of health, safety, and welfare while avoiding adverse impacts to environment as well as surrounding properties. These regulations are supplemental, and it is not intended that this ordinance supersede or replace other land development, special exception, safety, health, or environmental regulations.

2.11.2 DEFINITIONS

Solar Photovoltaic Collector Systems-a solar radiation collector system that is used to generate electricity for use in a home, accessory structure, equipment, or tied into an electric grid, and which may be in the form commonly referred to as a Solar Field, Solar Array, Solar Facility or Solar Farm.

Small Scale Solar Collector Systems – a solar photovoltaic collector system that is 5 acres or less or used primarily to reduce or offset on-site consumption of utility power and is subject to review by the Planning Official for a final designation. The Planning Official may require that any proposed *Small Scale Solar Collector System* be reviewed as a *Large Scale Solar Collection System* based on site characteristics or proposed system features, including but not limited to size of the facility. For purposes of this definition, any Roof Mounted Solar System is considered a *Small Scale Solar Collector System* regardless of size.

Large Scale Solar Collector Systems – a solar photovoltaic collector system not meeting the definition of Small Scale Solar Collector System.

2.11.3 SMALL SCALE SOLAR COLLECTOR SYSTEMS

1. Small Scale Solar Collectors are allowed in all Zoning Districts.
2. Roof Mounted Solar Systems
 - i. Roof Mounted systems do not require permitting through the Planning Department, all permitting will be done through the Building Department following Florida Building Code Standards.
3. Ground Mounted Solar Systems
 - i. Setbacks will follow standard building setbacks for each Zoning District (25ft from any Road, 10ft from sides and rear).
 - ii. 10ft buffer is required, this can be included within the setback.
 - iii. Site Plan Review is required through the Planning Department.
 - iv. To be considered a small scale system, only one five (5) acre Photovoltaic System is allowed per parcel. A second 5 acre plot will be reviewed as a Large Scale Solar Collector as require a Special Exception Review.

2.11.4 LARGE SCALE SOLAR COLLECTOR SYSTEMS

1. Large Scale Solar Collection Systems are only allowed in Ag-20, Ag-5, or Industrial Zoning Districts and shall be subject to review as a Major Development pursuant to LDC Section 9.4.0 and Special Exception pursuant to LDC Section 9.15.0.
2. In an order to protect the rural and agricultural lands of the County, the maximum size of one Large Scale Solar Collector System is 640 Utilized acres, equal to one square mile. The County is also limiting the total Utilized acreage of all Large Scale Solar Collectors to 2,560 acres or 4 square miles. The determination of the maximum allowable size of a system hereunder shall be based on the footprint of acreage actually utilized by the solar panels and associated structures, and shall not include any areas not actually occupied such as setbacks, buffers, wetlands, and areas voluntarily avoided
3. Setbacks for Roadways (classifications based on LDC Section 5.4.0.A)
 - i. Arterial and Major Collector Roadways – 100 feet.
 - ii. Minor Collector Roadways – 100 feet.
 - iii. Local Roads – 100 feet.
 - iv. Scenic, Canopy, Heritage Roads-200 feet

4. Buffering

- i. All plans submitted shall portray a 100ft. Type C buffer, where the project property borders vacant land or land in non-residential use in accordance with LDC Table 5.3.4.C Landscape Buffer Standards.
- ii. Where the Solar Field borders an established residential use or residential property, twice the distance of the standards established in Subsection 3 i above is required.
- iii. The buffers can consist of natural vegetation, but may also require additional planting to meet the Type C Standard. All planted buffers need to be native to North Florida and spaced so as to allow for mature growth.
- iv. All plans submitted shall portray ~~a 100ft~~ Type C buffer along all roadways.

5. Lighting and Glare

- i. Lighting is allowed for maintenance structures only and must not shine outward into passing traffic, nearby structures, or adjacent property not under the ownership or control of the operator.
- ii. Solar voltaic collector system components shall be designed with an anti-reflective coating or, in the alternative, shall otherwise be designed to avoid producing glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling on adjacent or nearby roads.

6. All outdoor storage of any materials and equipment including, but not limited to, solar panels and support structures not in operation must be located on the inside of the buffered area.

7. Environmental Standards

- i. See LDC Section 4.4.0 for required setbacks from streams, waterbodies and jurisdictional wetlands. Setbacks shall be based on a jurisdictional determination boundary approved by FDEP or the appropriate water management district.
- ~~ii. See LDC Section 5.3.6, Tree Protection and Native Vegetation, for standards for tree protections and removal.~~
- ii. Large Scale Solar Collector Systems shall be exempt from the requirements of LDC Section 5.3.6, Tree Protection and Native Vegetation, in the same manner as the operations of electrical utilities are exempt.

8. Security

If a security fence is provided around some or all of the perimeter of the facility, it shall not be greater than 8 feet in height.

9. Low Impact Development

The County encourages the dual use of agricultural opportunities such as, but not limited to, apiaries to provide pollinator benefits to nearby crops and/or vegetation and grazing to reduce vegetation maintenance costs.

10. Damage

Damaged solar panels shall be removed, repaired or replaced within ninety (90) days of the damage, with one extension at the request of the operator or landowner. The ground shall at all times remain free of debris from damaged solar panels.

11. Abandonment

A solar collection system shall be considered abandoned if the system ceases to generate electricity for a period of twelve (12) consecutive months. Reports of electrical power production shall be provided to the County upon request. An abandoned solar collection system shall be decommissioned and removed within one hundred eighty (180) days from the time it is deemed abandoned as provided herein. The operator may request an extension of time in which to return the solar collection facility to operation, which shall be supported by a plan and proposed timeline for resuming operation, provided however, that no extension of time shall be granted for more than a total of twenty four (24) months past the above date for decommissioning due to abandonment.

12. Decommissioning

Decommissioning and removal of the solar collection facility shall be the responsibility of the operator/owner upon abandonment, or upon revocation of the major development and special exception approval. All operators/owners shall comply with the following:

- i. As part of the development review application, a decommissioning plan shall be prepared and submitted which depicts the final site conditions after the solar collection facility has been removed from the property. Decommissioning plans shall require removal of all solar panels, electrical equipment, poles, piles, foundations, and conduits (above and below ground). In the alternative, poles, piles, foundations and other support infrastructure can be shown as remaining in the decommissioning plan if consistent with the planned future beneficial use of the property, as may also be consistent with the allowed uses in the Land Development Code. The decommissioning plan shall include an engineer's estimate, signed and sealed, of the cost of fully implementing the decommissioning plan. The estimated cost of implementing the decommissioning plan shall not be reduced based on ~~the salvage value of any materials or equipment, nor by the~~ cost of removal of poles, piles, foundations or other support infrastructure that are proposed to remain. The estimated cost of implementing the decommissioning plan may be reduced based on the salvage value of any materials of equipment only if such salvage is also reassessed as part of periodic update of the engineer's estimate of costs for

implementing the decommissioning plan. A new/updated engineer's estimate of costs for implementing the decommissioning plan shall be prepared and submitted to the Planning Department no less often than once every five (5) years following the original approval date. If, as part of such new/updated engineer's estimate, it is determined that the salvage value has decreased, the amount of such decrease shall be accounted for in the cost of decommissioning and in the evidence of financial responsibility provided under Subsection ii herein below. Thereafter, such salvage value shall be reassessed every two (2) years, and any additional reductions in salvage value accounted for in the evidence of financial responsibility.

ii. Evidence of financial responsibility to implement the decommissioning plan shall be submitted as part of the original application, and shall be furnished no less often than once every five (5) years thereafter, ~~or~~ upon change in the financial responsibility form/mechanism relied upon, or as otherwise required by this code. Evidence of financial responsibility shall be in the form of insurance, surety bond, cash bond, trust fund or letter of credit. The County may require a change in the financial responsibility form/mechanism relied upon should it come to the attention of the County that the evidence of financial responsibility as previously submitted has become deficient. Evidence of financial responsibility shall be in the amount of one hundred fifty percent (150%) of the engineer's estimated cost to implement the decommissioning plan.

iii. Any transfer of the County approval of a Large Scale Solar Collection System issued hereunder shall not be deemed complete unless and until the transferee has demonstrated financial responsibility for decommissioning of the facility in the same manner as is required for initial approval.

13. Professional Services

In the event that the County deems it necessary to retain the services of a professional to review all or any part of the application for solar collection system approval, or any required periodic update thereto, the applicant shall be responsible for payment of the reasonable costs incurred by the County. Processing of the application, or application update, shall not be completed until all such costs then due to the County have been paid in full.

SECTION 6: SEVERABILITY

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and affect.

SECTION 7: CONFLICT

All ordinances or parts of ordinances in conflict herewith are, to the extent of such of conflict, hereby repealed.

SECTION 8: COPY ON FILE

A certified copy of this enacting ordinance shall be filed with the Clerk of the Circuit Court.

SECTION 9: EFFECTIVE DATE

This Ordinance shall be filed with the Office of the Secretary of the State of Florida and shall immediately take effect upon receipt of official acknowledgment from the Department of State that the same has been filed.

SECTION 10: AUTHORITY

This ordinance is adopted pursuant to the authority granted by Chapter 125.01 and Chapter 163.3161 through 163.3215, Florida Statutes.

PASSED on first reading _____, 2020.

PASSED AND DULY ADOPTED with a quorum present and voting by the Board of County Commissioners of Jefferson County upon second and final reading this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA

J. T. Surles, Chair

ATTESTED BY:

Kirk Reams, Clerk of Court

APPROVED as to FORM & SUBSTANCE:

Scott Shirley, Land Use Attorney

Buffer Definitions:

4. Select the desired landscape buffer option from those set forth in **Table 5.34.C. Landscape Buffer Standards (Visual)**:

TABLE 5.3.4.C. – LANDSCAPE BUFFER STANDARDS (VISUAL)			
Whenever possible, buffering between new and existing developments should be accomplished through the preservation of existing trees and natural vegetation. The buffering requirements listed herein are suggested minimum requirements. Developers are encouraged to involve the affected owners of properties adjacent to new projects in the design of buffers between their properties to result in a mutually agreed-upon configuration. A buffer may be less than the requirements listed herein provided a written agreement of the property owners on both sides of the adjacent properties is submitted to and approved by the Planning Official. A copy of all such agreements shall be placed in the appropriate project file in the Planning Department or recorded in the Public Records of Jefferson County (Clerk’s office).			
STANDARD	TYPE A	TYPE B	TYPE C
1. Height	Six Feet (6’)	Eight Feet (8’)	Eight Feet (8’)
2. Opacity	40%	70%	100%
3. Width	The minimum width shall be the building setback distance, except when adjacent to a road, minimum width shall be 10 feet (see note 5. Shrubs).	The minimum width shall be 1.5 times the building setback distance, except when adjacent to a road, minimum width shall be 10 feet (see note 5. Shrubs).	The minimum width shall be 2 times the building setback distance, except when adjacent to a road, minimum width shall be 10 feet (see note 5. Shrubs).
4. Trees	Tree placement along perimeter buffers shall be placed to allow an even, mature growth of the species’ natural canopy.		
5. Shrubs	Midstory growth placement shall provide coverage from ground cover to the lowest level of tree canopies; except along commercial road frontage where visibility of the front of businesses from the street is necessary for security and marketing purposes, hedge and/or shrub growth shall be tall enough to block the headlights of parked vehicles from shining into the adjacent street(s). Lowest level of frontage tree canopies shall be fifteen feet (15’) above the ground		
6. Understory	Ground cover shall be provided by any combination of grass, mulch, flowers, etc.		
7. Fencing (Optional)	If fencing is to be utilized to provide the required opacity, plantings shall be placed on the interior (new development) side of the fence to ensure the provision and maintenance of required site landscaping areas (example: required parking perimeter and interior island landscape areas).		

- 49) **Functional Roadway Classifications:** Jefferson County is primarily rural in nature with only one incorporated city and several unincorporated villages or traditional communities.
- **Major Arterials:** Major highway thoroughfares connecting to areas outside the county: Interstate 10 (SR 8); US 90 (SR 10); US 27 (SR 20); US 19 (SR57 from US 27 to GA);
 - **Minor Arterials:** Smaller, primarily two-lane highways connecting to areas outside the county: US 221 (SR 55); SR59; US 98 (SR 30)
 - **Major Collectors:** All paved and numbered county roads. Examples include: Boston Hwy (CR149); Dills Rd (CR 149A); Ashville HWY (CR 146); Salt Rd (CR 257); Old Lloyd Rd (CR 158); Waukeenah Hwy (CR 259); Cody Church Rd (CR 212)
 - **Minor Collectors:** Some paved and all unpaved county-maintained roads that connect local public or private roads to the Major Collector system. Examples: Big Joe Rd; Bassett Dairy Rd; Drifton-Aucilla Rd; Lloyd Creek/Cherry Tree/Armstrong Rd; Beth page Rd; Watermill Rd; Upper Cody Rd; Old St. Augustine Rd; Walker Springs Rd.
 - **Local Streets/Roads:** All paved or unpaved public or private roads, including those within subdivisions that connect individual homes, businesses, or other structures to the collector roadway system(s). Examples: Landfill Rd; Morris Rd; Scoville Rd; Red Oak Ln; William Rd; Nursery Rd; Sledge Rd; Fornes Rd; Rains Rd.