

## ORDINANCE 2021-20

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AMENDING SECTION 23-227 CERTIFICATE OF APPROPRIATENESS AND TABLE 23-421 PERMITTED USES AND ADDING SECTION 23-358 SOLAR POWER GENERATION FACILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Commission of the City of Lake Wales,

### **SECTION 1:**

Sec. 23-227.3.a.5.

5. An application for a Certificate of Appropriateness for vinyl, painted, etched, or other types of non-structural signs may be reviewed and approved by the Administrative Official. The Administrative Official's decision shall be based on an assessment of compliance according to section 23-545 and section 23-653. In any case, the Administrative Official has the right to determine that formal review and approval by the Historic Board is necessary.

Article III Division 2 (add new section) § 23-358. Solar power generation facility.

(A) Permitted Uses: Solar power generation facility, ancillary electrical substation use, and solar power generating facilities related uses such as battery storage and operation and maintenance structures.

(B) Additional requirements:

(1) Generally. All solar equipment and devices shall comply with Florida law. 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.

(2) 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 23-421, outlines the zoning district(s) where solar power generation facility is(are) allowed. The below design standards shall be required for Solar Power Generation Facilities and shall supersede other provisions and requirements of the LDRs.

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

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

(c) Placement. The development shall comply with the requirements of Article VI: Resource Protection Standards of the LDRs.

(d) 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 offsite are excluded from this requirement.

(e) Height. The solar panels shall have a maximum height of 15 feet. All other structure heights shall be in accordance with federal regulations and designed to meet North American Electric Reliability Corporation (NERC) standards.

(f) 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. All fencing and wall details shall be shown on the site plan.

(g) 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. A landscape plan will be required at the time of the submittal of the Special Exception Use Permit application.

(h) 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.

(i) Access. Solar power generation facilities shall have access to collector or arterial roads.

(j) Emergency access and response. Reasonable accessibility for emergency service vehicles shall be provided and noted on the site plan.

(k) Internal access roads. Internal access roads are not required to meet the street design standards of the LDRs but must be sufficiently stabilized to serve emergency vehicles as established in the emergency response plan.

(l) Maintenance. Solar panels and associated equipment shall be maintained in proper working order and shall not be allowed to enter a state of disrepair.

(m) 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.

Article IV. Division 2

Table 23-421 PERMITTED USES AND SPECIAL EXCEPTION USES IN STANDARD ZONING DISTRICTS

P - Permitted Use S - Special Exception Use PDP - Planned Development Project																			
	R-1A	R-1B	R-1C	R-1D	R-2	R-3	PF	C-1/ C-1A	C-2	C-2R	C-3	C-4	C-5 <sup>1</sup>	LC	BI	PI-1	I-2	CNR	
<b>PUBLIC AND GOVERNMENT</b>																			
Aircraft Establishment																	P	P	
Airports, heliports, and related aviation facilities																	S	S	S
Public facilities and offices **	P	P	P	P	P	P	P	MDP	P	P	P		P	P	P	P	P	P	P
Public transportation terminals								MDP	S	S	S		P	S	S	P	P		
<u>Solar Power Generation Facility*</u>	<u>S</u>																		

\* See special conditions for this use in Article III, Division 2, Conditional Use Regulations

Article VIII. Definitions

Solar Power Generation Facility. A type of electrical power generation facility that utilizes a collection of ground mounted solar panels to produce electricity for offsite 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.

**SECTION 2:**

**Severability:** If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated.

**SECTION 3:**

**Effective date:** This ordinance shall become effective immediately upon its passage by the city commission.

**CERTIFIED AS TO PASSAGE** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

By: \_\_\_\_\_  
Mayor/Commissioner  
City of Lake Wales, Polk County, FL

ATTEST: \_\_\_\_\_  
City Clerk