



2024 Comprehensive Plan Amendment Cycle
TTA 2024004
Solar Amendment

SUMMARY		
Applicant:	Proposed Change:	Amendment Type:
Tallahassee-Leon County Planning Department	This is a text amendment to update Policy 2.2.20 [L] of the Land Use Element to reflect subsection 3 of the Florida Statutes 163.32051 Floating Solar Facilities	Joint Text Amendment
TLCPD Staff:	Comprehensive Plan Amendment:	LPA Recommendation:
Oluwaseyi Akinrinde	Land Use Element	Approve
Contact Information:	Policy Number(s):	Staff Analysis:
oluwaseyi.akinrinde@talgov.com 850-891-6412	Policy 2.2.20 [L]	Consistent
Date: 02/07/2023	Updated: 03/18/2024	

A. EXECUTIVE SUMMARY

The proposed amendment would remove text from the Tallahassee-Leon County Comprehensive Plan (Comprehensive Plan) that limits the type and placement of solar facilities from Policy 2.2.20 [L] Agriculture/Silviculture/Conservation (ASC) in order to comply with Florida Statutes §163.3205 and §163.32051, regarding solar facility approval processes and floating solar facilities, or “floatovoltaics.” Specifically, the amended text is designed to meet §163.3205(3), which states that a solar facility shall be a permitted use in all agricultural future land use categories in local comprehensive plans and all agricultural zoning districts in unincorporated areas. The amended text also meets requirements of §163.32051(3), which requires local government comprehensive plans to be updated to allow floating solar facilities as permitted uses in the appropriate land use categories.

The proposed amendment addresses the requirements of both Sections 163.3205 and 163.32051 of Florida Statutes by clarifying the allowable solar facility uses in the Agriculture/Silviculture/Conservation land use category, as well as allow floating solar facilities in the Agriculture/Silviculture/Conservation land use category, of the Comprehensive Plan.

B. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION

Find that the proposed text amendment is **CONSISTENT** with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and recommend **ADOPTION** of the proposed amendment.

C. STAFF ANALYSIS

Staff finds the proposed text amendment **consistent** with the Tallahassee-Leon County Comprehensive Plan based on the findings and other information contained in this staff report.

D. PROPOSED POLICY CHANGE

A full strike through of policy text is provided in Appendix A.

Policy 2.2.20 [L] – Agriculture/Silviculture/Conservation

Conserving large tracts of plantation and former plantation land, forest land, agriculture and silviculture lands and wildlife and conservation and recreational hunting areas is an efficient means of protecting natural resources that constitute important physical, social, aesthetic and economic assets to all of the residents of Leon County. The expansion of urban development into agriculture/silviculture/conservation areas creates conflicts between farm and urban activities that encourage the premature conversion of agricultural and silvicultural land to other uses, and results in the loss of open space and natural beauty. The designation of land as ASC substantially protects the continued existence of the land for agriculture, silviculture, forest wildlife conservation and recreational hunting purposes, and otherwise promotes the public health, safety and general welfare of the residents of Leon County.

Extensions of Community Services (libraries, religious facilities, and police/fire stations) and Light Infrastructure (water wells, water tanks, sewage pump stations, and electric substations) within all ASC areas is allowed. ~~Solar energy systems shall be limited to building mounted solar systems and accessory ground mounted solar systems. Utility scale solar systems shall be prohibited in areas designated Agriculture/Silviculture/Conservation on the Future Land Use Map.~~ Solar facilities shall comply with the setback and landscape buffer area criteria for other similar uses in this land use category. Very low residential density not to exceed 1 unit per 10 acres, is also allowed within the entire ASC land use category. Accessory uses directly associated with the operation of agriculture, silvicultural, wildlife conservation, recreational hunting and permitted residential uses shall be allowed.

E. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed amendment was reviewed for consistency with the goals, objectives, and policies of the Tallahassee-Leon County Comprehensive Plan. The proposed amendment is consistent with the Comprehensive Plan.

F. SUMMARY OF FINDINGS

Staff presents the following findings of fact:

History and Background

Section 163.3205, Florida Statutes, which defines the solar facility approval process, was created by SB 896 and enacted in 2021. Subsection 3 of the statute states that a solar facility shall be a permitted use in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area and must comply with the setback and landscaped buffer area criteria for other similar uses in the agricultural district.

The expansion of solar facility options, specifically floating solar facilities, was subsequently enacted in the 2022 Florida legislative session by HB 1411, with adoption of Section 163.32051, Florida Statutes. Subsection 3 of this statute states that a floating solar facility shall be a permitted use in the appropriate land use categories in each local government comprehensive plan, and that each local government must amend its land development regulations to promote the expanded use of floating solar facilities.

The Comprehensive Plan classifies solar facilities as light infrastructure, which is allowed in all land use categories. The only land use category that has specific provisions related to solar facilities is the Agriculture/Silviculture/Conservation land use category established in Policy 2.2.20. The proposed amendment to this policy will comply with the requirements of both Section 163.3205, Florida Statutes and Section 163.32051, Florida Statutes.

It should be noted that the Agriculture/Silviculture/Conservation land use category is applied to specific properties in unincorporated Leon County outside of the Urban Services Area and is implemented by the Rural zoning district, which also implements the Rural land use category. Development standards for solar facilities in Leon County, including limitations on utility-scale solar systems, are included in Sec. 10-6.820, Leon County Land Development Code. As such, the proposed Comprehensive Plan amendment would not result in the need to amend any zoning districts or the Leon County Land Development Code.

The proposed amendment that revises solar provisions in the Agriculture/Silviculture/Conservation land use category is consistent with the following statutes:

F.S.163.3205 Solar Facility Approval Process. -

(1) It is the intent of the Legislature to encourage renewable solar electrical generation throughout this state. It is essential that solar facilities and associated electric infrastructure be constructed and maintained in various locations throughout this state in order to ensure the availability of renewable energy production, which is critical to this state's energy and economic future.

(2) As used in this section, the term "solar facility" means a production facility for electric power which:

(a) Uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite.

- (b) Consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components.
- (c) May include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.
- (3) A solar facility shall be a permitted use in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area and must comply with the setback and landscaped buffer area criteria for other similar uses in the agricultural district.
- (4) A county may adopt an ordinance specifying buffer and landscaping requirements for solar facilities. Such requirements may not exceed the requirements for similar uses involving the construction of other facilities that are permitted uses in agricultural land use categories and zoning districts.
- (5) This section does not apply to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021.

F.S. 163.32051 Floating Solar Facilities. –

- (1)(a) The Legislature finds that floating solar facilities, also known as “floatovoltaics,” can be effective tools in harnessing energy in bodies of water that have been permitted for storage.
- (b) The Legislature finds that siting floating solar facilities on wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, and other water storage reservoirs are beneficial uses of those areas for many reasons, including the fact that the water has a cooling effect on the solar panels, which can boost power production, and the fact that the panels help decrease the amount of water lost to evaporation and the formation of harmful algal blooms.
- (c) Therefore, the Legislature finds that the siting of floating solar facilities should be encouraged by local governments as appropriate uses of water and land areas.
- (2) For purposes of this section, the term “floating solar facility” means a solar facility as defined in s. 163.3205(2), which is located on wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs.
- (3) A floating solar facility shall be a permitted use in the appropriate land use categories in each local government comprehensive plan, and each local government must amend its land development regulations to promote the expanded use of floating solar facilities.
- (4) A county or municipality may adopt an ordinance specifying buffer and landscaping requirements for floating solar facilities. The requirements may not exceed the requirements for similar uses involving the construction of other solar facilities that are permitted uses in agricultural land use categories and zoning districts.

(5) Notwithstanding subsections (3) and (4), a floating solar facility may not be constructed in an Everglades Agricultural Area reservoir project if the local governments involved with the project determine that the floating solar facility will have a negative impact on that project.

(6) The Office of Energy within the Department of Agriculture and Consumer Services shall develop and submit recommendations to the Legislature by December 31, 2022, to provide a regulatory framework to private and public sector entities that implement floating solar facilities.

G. MEETING SCHEDULES

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

2024 Amendment Cycle Meetings		Date Completed
X	Public Open House	12/07/2023
X	Local Planning Agency Workshop	01/17/2024
X	Local Planning Agency Public Hearing	02/06/2024
	Board of County Commissioners Transmittal Hearing and Small-Scale Map Amendment Adoption Hearing	04/09/2024
	City Commission Transmittal Hearing and Small-Scale Map Amendment Adoption Hearing	04/10/2024
	Board of County Commissioners Adoption Public Hearing	06/11/2024
	City Commission Adoption Public Hearing	06/12/2024

Public Open House –The public open house was held on December 7, 2023, at the Renaissance Building. There were 14 people in attendance. Staff provided an overview of the proposed amendment. There were no questions or concerns about the proposed amendment.

Local Planning Agency Workshop – A workshop was held on January 17, 2024, at the Renaissance Building. Staff provided an overview of the proposed amendment. There were no questions from the LPA that resulted in updates to this staff report.

Local Planning Agency Public Hearing – The public hearing was held on February 6, 2024, to vote on the proposed amendment. Staff provided an overview of the proposed amendment. The LPA found the proposed text amendment consistent with the Tallahassee Leon-County Comprehensive Plan, based on the findings and other information contained in this staff report, and recommended adoption of the proposed amendment. There were no public speakers on the proposed amendment.

H. APPENDICES

Appendix A: Proposed Comprehensive Plan Amendment: Policy 2.2.20 [L] Strike Through/Underline

Policy 2.2.20 [L] – Agriculture/Silviculture/Conservation

Conserving large tracts of plantation and former plantation land, forest land, agriculture and silviculture lands and wildlife and conservation and recreational hunting areas is an efficient means of protecting natural resources that constitute important physical, social, aesthetic and economic assets to all of the residents of Leon County. The expansion of urban development into agriculture/silviculture/conservation areas creates conflicts between farm and urban activities that encourage the premature conversion of agricultural and silvicultural land to other uses, and results in the loss of open space and natural beauty. The designation of land as ASC substantially protects the continued existence of the land for agriculture, silviculture, forest wildlife conservation and recreational hunting purposes, and otherwise promotes the public health, safety and general welfare of the residents of Leon County.

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Areas which meet the criteria for inclusion in the ASC category include, but are not limited to the tracts known as Foshalee, Cherokee and Horseshoe plantations, and the Tall Timbers Research, Inc. ownerships. These large-ownership properties are in the Rural Zoning District and some of the smaller portions of the properties within the District currently have minor commercial uses or have had such in the past.

In recognition of the existence of those uses, the need to provide nodes of non-residential land use between long distances of rural plantation lands to serve the needs of pass-by traffic, and the need for a potential expansion of similar uses such as office uses that are currently not permitted in the Rural Land Use District portions of the properties lying within the ASC Land Use Category may be developed utilizing the Planned Unit Development process for rezoning to allow the expansion of uses permitted within a special development district provided that the proposed ASC PUD meets and addresses the following criteria:

- (A) The development parcel and Planned Unit Development is located in only one quadrant of the intersection of a Minor Collector or Major Collector and an Arterial Roadway of parcels in excess of 200 acres in size; and
- (B) Other quadrants must be dedicated as a conservation easement in perpetuity.

- (C) The arterial road frontage of the lands surrounding the proposed development remains in its natural state for a minimum of 500 feet from the right of way in a Conservation Easement;
- (D) The development area for the non-residential component of the PUD is a maximum of 30 acres; and
- (E) The area to be dedicated as a Conservation Easement in perpetuity is conveyed prior to the issuance of Environmental Management permits; and
- (F) The following site plan and design criteria are incorporated into the overall PUD:
 - (1) Parking is buffered from the adjacent roadways;
 - (2) Clustering of buildings and parking areas is utilized; and
 - (3) A maximum of 10,000 square feet per structure not to exceed 50,000 gross square feet in total of non-residential is provided; and
 - (4) Asphalt/concrete areas are minimized by providing grassed overflow parking, etc.; and
 - (5) A limitation to a maximum of 30% total impervious area is utilized; and
 - (6) Maximum building height is limited to two (2) stories; and
 - (7) The overall PUD site is limited to one access entrance to the arterial roadway and one access to the collector roadway and provides internal connection to the overall parent parcel; and
 - (8) There is an architecturally consistent theme that reflects the regional plantation vernacular throughout the development; and
 - (9) The development incorporates an overall infrastructure plan (sewer, water, fire, sheriff, garbage, etc.) designed to serve the proposed development without extending existing services; and
 - (10) Retail uses are limited to tourist-related retail, convenience stores (including gasoline sales), restaurants, and hotel/motel lodging. Office uses are limited to civic and social organizations, offices serving primarily rural and agricultural/silvicultural needs, membership sports and recreations clubs, cultural and educational retreat facilities, and research and testing services related to agriculture/silviculture and plantations. Recreational uses are limited to museums, art galleries, and botanical and zoological gardens.