



## FLORIDA DEPARTMENT OF STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

June 11, 2018

Ms. Paula S. O'Neil  
Clerk and Comptroller  
The East Pasco Governmental Center  
Pasco County  
14236 6<sup>th</sup> Street, Suite 201  
Dade City, Florida 33523

Attention: Jessica Floyd

Dear Ms. O'Neil:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pasco County Ordinance No. 18-18, which was filed in this office on June 11, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE PASCO COUNTY LAND DEVELOPMENT CODE, PROVIDING FOR AMENDMENTS TO CHAPTER 500, ZONING STANDARDS; SECTION 503, A-C AGRICULTURAL DISTRICT; SECTION 504, AC-1 AGRICULTURAL DISTRICT; SECTION 505, A-R AGRICULTURAL-RESIDENTIAL DISTRICT; SECTION 506, AR-1 AGRICULTURAL-RESIDENTIAL DISTRICT; SECTION 507, AR-5 AGRICULTURAL-RESIDENTIAL DISTRICT; SECTION 508, AR-5MH AGRICULTURAL-RESIDENTIAL DISTRICT; ADDING SOLAR ELECTRIC POWER COLLECTION FACILITY (SOLAR FARM) AND SUBSTATION AS A SPECIAL EXCEPTION USE; AND PROVIDING FOR AMENDMENT TO SECTION 527, C-3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT; ADDING SOLAR ELECTRIC POWER COLLECTION FACILITY (SOLAR FARM) AND SUBSTATION AS A PERMITTED PRINCIPAL USE; AMENDING APPENDIX A, DEFINITIONS; PROVIDING FOR APPLICABILITY, REPEALER, SEVERABILITY, INCLUSION INTO THE LAND DEVELOPMENT CODE, AND AN EFFECTIVE DATE.

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**WHEREAS**, the Board of County Commissioners of Pasco County, Florida, is authorized under Chapters 125, 162, 163, 177, and 380 Florida Statutes, to enact zoning and other land development regulations to protect the health, safety and welfare of the citizens of Pasco County; and

**WHEREAS**, Sections 163.3201, 163.3202, 163.3211 and 163.3213, Florida Statutes, empowers and requires the Board of County Commissioners of Pasco County, Florida, to implement adopted Comprehensive Plans by the adoption of appropriate land development regulations and specifies the scope, content and administrative review procedures for said regulations; and

**WHEREAS**, Section 163.3202, Florida Statutes, provides that certain specified and mandated regulations are to be combined and compiled into a single land development code for the jurisdiction; and

**WHEREAS**, Section 163.04, Florida Statutes' legislative intent is to protect the public health, safety, and welfare by encouraging the development and use of renewable resources; and

**WHEREAS**, the zoning districts in the Pasco County Land Development Code (LDC) do not currently specifically list where Solar Electric Power Collection Facilities (Solar Farms) are permitted, which has forced the Zoning Administrator to rely on the Uncertain Classification rules in Section 502.5 of the Land Development Code to classify this use; and

**WHEREAS**, consistent with the legislative intent in Section 163.04, Florida Statutes, and applying the uncertain classification rules in Section 502.5 of the Land Development Code, the Zoning Administrator previously issued a determination that a Solar Electric Power Collection Facility (Solar Farm) and Substation is a Special Exception Use in the A-R, Agricultural-Residential District; and

**WHEREAS**, the Board of County Commissioners finds that continued uncertainty regarding permitted locations for Solar Electric Power Collection Facilities (Solar Farms) is not consistent with the Legislature's intent in Section 163.04, Florida Statutes, and further finds that codification of the

Zoning Administrator's determination will provide greater certainty and predictability for Solar Electric Power Collection Facilities (Solar Farms); and

**WHEREAS**, the Land Development Code identifies other agricultural zoning districts that allow similar Permitted Principal Uses and Special Exception Uses as the A-R, Agricultural-Residential District, and as such, the Zoning Administrator recommends that a Solar Electric Power Collection Facility (Solar Farm) and Substation also be classified as a Special Exception Use in the Following Agricultural Districts: AR-1, Agricultural Residential, A-C, Agricultural, AC-1, Agricultural, AR-5 Agricultural Residential, and AR-5MH, Agricultural Residential; and

**WHEREAS**, classifying Solar Electric Power Collection Facilities (Solar Farms) as a Special Exception use in the agricultural zoning districts will allow County staff and the Planning Commission to impose reasonable conditions addressing any negative impacts associated with such facilities, and allow County staff and the Planning Commission to evaluate the consistency of such facilities with the Pasco County Comprehensive Plan; and

**WHEREAS**, the LDC defines industrial use as an activity carried out for pecuniary gain that involves the extraction, processing, manufacture, compounding, fabrication, packaging, or assembly of raw materials into finished goods and the temporary storage of such goods until sale; and

**WHEREAS**, the BCC finds that a Solar Electric Power Collection Facility (Solar Farm) is not an industrial use because it does not involve the extraction, processing, manufacture, compounding, fabrication, packaging, or assembly of raw materials into finished goods; and

**WHEREAS**, although Solar Electric Power Collection Facilities (Solar Farms) are not an industrial use, the Zoning Administrator has determined that such facilities are compatible with other Principal Permitted Uses in the C-3, Commercial/Light Manufacturing, I-1, Light-Industrial Park, and I-2, General Industrial Park Districts; therefore the Zoning Administrator also recommends that a Solar Electric Power Collection Facility (Solar Farm) and Substation be classified as a Permitted Principal Use in the C-3, Commercial/Light Manufacturing District, I-1, Light-Industrial Park District, and I-2, General Industrial Park District; and

**WHEREAS**, the Florida Electrical Power Plant Siting Act (Section 403.503(14), Florida Statutes) exempts solar electric generating facilities less than 75 megawatts in capacity from the definition of "electric power plants", which means that such facilities are exempt from the regulatory requirements of the Florida Electrical Power Plant Siting Act; and

**WHEREAS**, consistent with the exemption in the Florida Electrical Power Plant Siting Act, the Acting Assistant Planning and Development Director determined that a Solar Electric Power Collection Facility (Solar Farm) and Substation under 75 megawatts in capacity is a minor public/semipublic facility that is an allowable use in all Future Land Use Classifications; and

**WHEREAS**, the Acting Assistant Planning and Development Director has determined that a Solar Electric Power Collection Facility (Solar Farm) and Substation that is 75 megawatts (or more) in

capacity, which is subject to the regulatory requirements of the Florida Electrical Power Plant Siting Act, is a major public/semi-public facility that requires a Future Land Use Classification of P/SP (Public/Semipublic), PD (Planned Development), IL (Industrial-Light), or IH (Industrial-Heavy); and

**WHEREAS**, the Local Planning Agency conducted a public hearing on May 10, 2018 and found the proposed amendments consistent with the Pasco County Comprehensive Plan; and

**WHEREAS**, the County Commission has conducted duly noticed public hearings as required by law, at which hearings all parties in interest and citizens were afforded notice and the opportunity to be heard; and

**WHEREAS**, the County Commission hereby finds and declares that this Ordinance is in the best interest of the public health, safety, and welfare, and that it advances a valid and important public purpose.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Pasco County, Florida, as follows:

**SECTION 1. Authority.**

This ordinance is enacted pursuant to Chapter 125, Florida Statutes (2018) and under the home rule powers of the County.

**SECTION 2. Legislative Findings of Fact.**

The foregoing Whereas clauses, incorporated herein, are true and correct.

**SECTION 3. Applicability.**

The applicability of this amendment shall be as provided for in Sections 103.1 and 103.2 of the restated Land Development Code.

**SECTION 4. Chapter 500 Zoning Standards is hereby amended as follows:**

**CHAPTER 500. ZONING STANDARDS**

**SECTION 503. A-C AGRICULTURAL DISTRICT**

**503.5. Special Exception Uses**

**M. Solar Electric Power Collection Facility (Solar Farm) and Substation. If 75 MW or more must be located in PSP (Public/Semipublic), PD (Planned Development), IL (Industrial-Light), or IH (Industrial-Heavy) Future Land Use classifications.**

**SECTION 504. AC-1 AGRICULTURAL DISTRICT**

**504.5. Special Exception Uses**

**M. Solar Electric Power Collection Facility (Solar Farm) and Substation. If 75 MW or more must be located in PSP (Public/Semipublic), PD (Planned Development), IL (Industrial-Light), or IH (Industrial-Heavy) Future Land Use classifications.**

SECTION 505. A-R AGRICULTURAL-RESIDENTIAL DISTRICT

505.5. Special Exception Uses

**M. Solar Electric Power Collection Facility (Solar Farm) and Substation. If 75 MW or more must be located in PSP (Public/Semipublic), PD (Planned Development), IL (Industrial-Light), or IH (Industrial-Heavy) Future Land Use classifications.**

SECTION 506. AR-1 AGRICULTURAL-RESIDENTIAL

506.5. Special Exception Uses

**N. Solar Electric Power Collection Facility (Solar Farm) and Substation. If 75 MW or more must be located in PSP (Public/Semipublic), PD (Planned Development), IL (Industrial-Light), or IH (Industrial-Heavy) Future Land Use classifications.**

SECTION 507. AR-5 AGRICULTURAL-RESIDENTIAL DISTRICT

507.5. Special Exception Uses

**N. Solar Electric Power Collection Facility (Solar Farm) and Substation. If 75 MW or more must be located in PSP (Public/Semipublic), PD (Planned Development), IL (Industrial-Light), or IH (Industrial-Heavy) Future Land Use classifications.**

SECTION 508. AR-5MH AGRICULTURAL MOBILE HOME DISTRICT

**N. Solar Electric Power Collection Facility (Solar Farm) and Substation. If 75 MW or more must be located in PSP (Public/Semipublic), PD (Planned Development), IL (Industrial-Light), or IH (Industrial-Heavy) Future Land Use classifications.**

SECTION 527. C-3 COMMERCIAL/LIGHT MANUFACTURING DISTRICT

**29. Solar Electric Power Collection Facility (Solar Farm) and Substation. If 75 MW or more must be located in PSP (Public/Semipublic), PD (Planned Development), IL (Industrial-Light), or IH (Industrial-Heavy) Future Land Use Classification.**

SECTION 5. Appendix A Definitions is hereby amended as follows:

**Solar Electric Power Collection Facility (Solar Farm): A type of electric power collection facility that includes solar photovoltaic (PV) systems mounted on the ground (which may include battery storage) that are utilized in the collection/storage of solar electric power as the primary or principal use of the property and whereby the power being collected/stored is being sold to an electric utility provider or being collected/stored directly by an electric utility provider.**

SECTION 6. Severability.

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section,


subsection, sentence, clause, or provisions and shall not be affected by such holding.

**SECTION 7. Effective Date.**

These amendments to the Land Development Code are intended to be remedial in nature and to clarify existing law. Therefore, these amendments shall apply retroactively to all applications or appeals pending as of the effective date of these amendments. A certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk to the Board within ten (10) days after adoption and shall take effect upon such filing.

ADOPTED with a quorum present and voting this 5<sup>th</sup> day of June, 2018.



  
Paula S. O'Neil, Ph.D.  
Clerk & Comptroller

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

BY: 

Mike Wells, Chairman

APPROVED  
IN SESSION

JUN 05 2018

PASCO COUNTY  
BCC