

ORDINANCE NO. 2020-01

AN ORDINANCE AMENDING THE CALHOUN COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA, that:

Section 1. Purpose and Intent. This Ordinance is enacted to amend the Calhoun County Land Development Code specifically approving the changes shown on Exhibit A.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Calhoun County Comprehensive Plan as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with said Comprehensive Plan.

Section 3. Severability. If any word, phrase, clause, section, or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date. This Ordinance shall take effect upon its passage as provided by law.

The foregoing ordinance was adopted by the Board of County Commissioners by a vote of 5 to 0 after due notice and publication and on motion, second, and discussion at the regular meeting of September 15, 2020.

CALHOUN COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Scott Monlyn
Scott Monlyn, Chairman

ATTEST:

Carla A Hand
CARLA HAND, Clerk of the Circuit Court

EXHIBIT A

ARTICLE VI USE OF LAND AND WATER (Land Use District Regulations)

6.00.00 GENERALLY

6.00.01 Purpose

The purpose of this Article is to describe the specific uses and development restrictions that apply to land use districts in the Future Land Use Element of the County Comprehensive Plan. The specific standards that must be met for development approval will be identified within the appropriate land use district. Furthermore, these regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies as expressed in the Calhoun County Comprehensive Plan.

[Section 6.01.00 omitted]

6.02.00 LAND USE DISTRICTS

[Sections 6.02.01 through 6.02.05 omitted]

AGRICULTURAL DISTRICTS

Agricultural land refers to cropland, pasture, and all other activities related to agriculture. The areas indicated for agricultural land on the future land use map represent the areas of the County where agricultural land uses shall be directed thereby maintaining the rural nature of the County. Agricultural land, as the need arises, shall be allowed to convert to other land uses. The future land use map will then be modified to reflect the change in land use.

6.02.06 Agriculture

Purpose

To provide land for timber row crop farming and related agriculture activities and compatible uses. The agriculture 1 land use category accounts for about 83%, or 301,612 acres of land area in Calhoun County and includes mainly timberlands. Other land uses include, cropland, pasture land, and other agricultural uses in large scale land holdings. The lands are primarily timber production holding.

Agriculture – Density/Intensity

Density associated with this category should be limited to one unit per ten acres, except that division of family farms and subsequent establishment of a dwelling shall be allowable as long as all other applicable requirements are met and recipients of the property are members of the principal owner's family. Within this area are a few clusters of existing residential dwellings.

Agriculture – Uses

Agricultural activities, livestock, aquaculture, agricultural/farm dwelling units, single family residential units (not to exceed density permitted under Agriculture I classification, except for

rehabilitation and/or reconstruction of existing units), agricultural support services, structures and facilities related to agricultural activities, vacant land, places of worship, public facilities and grounds, public utilities, and neighborhood commercial where activities are compatible with adjacent land uses and are adequately buffered. The maximum square footage allowed in any neighborhood commercial structure shall be 25000 square feet. The maximum FAR shall be 0.5. Mobile and manufactured homes are allowed in this district according to the provisions of section 6.02.14.

Solar electrical generation facilities and associated and related facilities are allowed in this district according to the provisions of section 6.02.15 and subject to site plan approval.

[Sections 6.02.09 through 6.02.14 omitted]

6.02.15 Special Requirements for Solar Electrical Generation Facilities

Solar electrical generation facilities are production facilities for electrical power that utilize photovoltaic modules (panels) to convert solar energy to electricity whereby electricity that is produced is delivered to the transmission system and consumed off-site. Solar electrical generation facilities consist principally of photovoltaic modules, a mounting/racking system, power inverters, transformers, and associated components. Solar generation is generally the principal use of the property, but solar electrical generation facilities may also include administration/maintenance buildings, transmission lines, substations, collector yards, energy storage equipment, and related accessory uses and structures. For the purpose of this Code, solar electrical generation facilities are considered an agricultural use. In those districts where solar electrical generation facilities are an allowable use, such use shall be subject to all applicable regional, state, and federal requirements.

Notwithstanding other provisions of this Land Development Code, specifically including the provisions of Article VII, solar electrical generation facilities are permitted subject to the following requirements:

- a. Shall provide an upland buffer, with a minimum width of 15 ft. and an average width of 25 ft., where upland activities abut wetlands and shall be allowed to impact the upland buffer and wetlands so long as any adverse impacts are offset by mitigation consistent with state, regional, and federal standards as determined by the appropriate state, regional, and federal agencies.
- b. Shall be allowed in floodplains so long as it is authorized in an Environmental Resource Permit from the Florida Department of Environmental Protection or Northwest Florida Water Management District.
- c. Shall protect identified state or federally listed plant and animal species pursuant to the requirements and recommendations of the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service.

- d. Except for security fencing, project signs, and access paths, no solar electrical generating facility structure, equipment, or building shall be located within 50 feet of the property line when abutting nonagricultural uses and 25 feet of the property line when abutting agricultural uses. Buffers shall not be required between abutting solar facilities.
- e. Except for required landscaping abutting residential uses, solar electrical generation facilities shall be exempt from all other landscape requirements.
- f. Within the first 25 feet of the 50-foot setback residential uses, native shrubs and grasses shall be retained to provide a minimum 6-foot high, 50% opaque screen of vegetation. If existing native vegetation is not sufficient to meet this requirement, then supplemental native shrubs may be utilized to meet this requirement with vegetation. Plantings shall be of a size and type which will insure the meeting of the fifty (50) percent opacity requirement within no longer than thirty (30) months of the date of first planting. This requirement can be waived or reduced by consent of the abutting landowner or at the discretion of the Land Development Code Administrator.
- g. Retention of existing vegetation and/or temporary fencing and screening may be required where appropriate to minimize impacts during construction.
- h. The following maximum height provisions shall apply:
 - a. Security fencing: 8 feet
 - b. Project signs: 9 feet
 - c. Solar panels or modules: 15 feet
 - d. Buildings: 25 feet
 - e. There are no maximum height provisions for transmission lines, substations, and collector yards.
- i. The area of the solar panels and the transmission lines shall be considered open space for purposes of calculating FAR and ISR.
- j. The minimum parcel size for a solar electrical generating facility shall be 20 acres.
- k. A minimum 16-foot wide, clear access way with a 12-foot wide, stabilized access path shall be permitted for access, maintenance, and operation of solar electrical generation facilities and transmission lines.
- l. A minimum 20-foot wide, stabilized access path shall be permitted for access, maintenance, and operation of administration buildings, accessory buildings, substations and collector yards.
- m. Site plan approval in accordance with Section 3.13.00 is required prior to construction of a solar electrical generation facility. Building permits are not required for structures or facilities of electric utilities which are directly involved in the

generation, transmission, or distribution of electricity pursuant to Section 553.73, Florida Statutes.

- n. To the extent that any associated or related facilities may be addressed elsewhere in this Code, the County shall review and consider for approval such associated or related facilities as part of its review of the solar electrical generation facility under this Section.

To the extent that these requirements are inconsistent with the requirements contained elsewhere in this Code, the provisions of this Section 6.02.15 control.

[Sections 6.03.00 through 6.03.06 omitted]