

## **ORDINANCE 2112**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA; AMENDING CHAPTER 1 AND CHAPTER 5 OF THE LAND DEVELOPMENT CODE FOR GROUND MOUNTED SOLAR ENERGY SYSTEM REQUIREMENTS; PROVIDING FOR AUTHORITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, current Land Development Code standards provide requirements for some accessory uses and structures; and

**WHEREAS**, the Growth Management Department has received numerous permit applications for ground mounted solar energy systems; and

**WHEREAS**, current Land Development Code does not provide any standards specific to these applications; and

**WHEREAS**, after review of surrounding jurisdictions, the Growth Management Department believes the addition of specific requirements for ground mounted solar electric systems will prevent impact to neighboring properties.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AS FOLLOWS:**

### **Section 1. Authority and Intent**

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 2 of the City Charter.

### **Section 2. Amendment of Land Development Code Section 1.08.02 – List of Defined Terms**

Ground-mounted solar energy system (Accessory Use): A solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and the system is accessory to the primary use.

### **Section 3. Amendment of Land Development Code Chapter 5 – Accessory, Temporary, and Special Use Situations.**

5.01.02 - Accessory Structures and Uses in All Zoning Districts.

A. Accessory uses and structures may be located on a parcel, provided that the following requirements are met:

1. There shall be a permitted principal structure or use on the development site, located in full compliance with all standards and requirements of this LDC.
2. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
3. Accessory structures shall be on the same development site, which may consist of combined lots, and shall be subordinate to the principal use or structure.
4. Permanent accessory structures shall not be located within or on any required

easement.

5. Accessory structures, other than fences and flagpoles located in compliance with the requirements of Sections 5.01.08 and 5.03.07, shall not be located within any required buffer or landscaping area, parking lot, or protected area. The applicant shall demonstrate that accessory structures proposed in a stormwater management area shall have no negative impact on the intended function of the area.
- B. Accessory uses and structures that contain recreation facilities, gyms and health club facilities, parks, playgrounds, play courts, and play fields shall not be open to the general public. Such accessory uses and structures are intended for the use of the residents or employees of the principal use.
1. There shall be no signage advertising the uses and structures.
  2. Parking to support the accessory use or structure shall be provided as set forth in Section 6.04.02.
  3. Accessory structures shall be designed for consistency and compatibility with the principal building(s) on the site.
- C. Site development standards for accessory buildings.
1. An accessory building in the R-1E, R-1, R-2, YC, MX-1, and MX-2 zoning districts shall not exceed one (1) story, except where an accessory dwelling unit is approved in the second story above a garage.
  2. An accessory building built on site in the R-1E, R-1, R-2, YC, MX-1, and MX-2 zoning districts shall have a minimum roof pitch of 3 :12 or shall match the roof pitch of the principal building.
  3. The required side and rear yard setbacks for accessory buildings in the R-1E, R-1, R-2, YC, MX-1, and MX-2 zoning districts are shown below.
    - a. Accessory buildings up to 200 s.f. in floor area shall be setback three (3) feet from side and rear property lines.
    - b. Accessory buildings in excess of 200 s.f. in floor area shall be setback seven and one-half (7 ½) feet from side and rear property lines.
    - c. Accessory buildings on a corner lot shall have a setback of fifteen (15) feet from the property line abutting a street.
  4. An accessory building in the YC zoning district shall be setback from the rear property line ten (10) feet when the cumulative total square feet of floor area in all buildings is less than five (5) percent of the land area required for the wetland buffer. When the cumulative total square feet of floor area in all buildings exceeds five (5) percent, the rear setback shall be fifty (50) feet.
  5. Accessory buildings in the CF and CG zoning districts shall have a minimum rear yard setback of seven and one-half (7 ½) feet.
- D. Standards for specific accessory structures are set forth in Section 5.01.03 through 5.01.178.

#### 5.01.18 – Ground Mounted Solar Energy System

Ground mounted solar energy systems (also known as solar photovoltaic systems) are permissible accessory structures, provided they are in compliance with the following standards:

##### A. Placement.

1. A ground-mounted solar energy system shall be located only within a rear yard.
2. The system shall be setback seven and one-half (7 ½) feet from side and rear property lines. Measurements for setback compliance shall be measured from the outermost edge of the structure (including the panels and/or associated mounting equipment) to the property line.
3. The system shall not be located within any required buffer area, required landscaped area, required parking lot landscaping, required parking spaces, stormwater management area, driveway, or easement.
4. If located in a floodplain project must comply with LDC section 3.05.00.

B. Maximum area coverage. A ground-mounted solar energy system shall be limited to a maximum of twenty-five (25) percent of the of the rear yard.

C. Height standards. The maximum height of a ground-mounted solar energy system shall not exceed eight (8) feet as measured from the natural grade at the base of the structure to the highest point of the array or solar structure.

D. Security. A minimum of a six (6) foot fence must be constructed in a way to eliminate unimpeded public access to the ground-mounted solar energy system.

#### **Section 4. Applicability**

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Fort Walton Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

#### **Section 5. Inclusion into the Land Development Code**

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Fort Walton Beach's Land Development Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

#### **Section 6. Severability**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

#### **Section 7. Findings**

The City Council of the City of Fort Walton Beach finds that the Local Planning Agency reviewed and recommended approval of the ordinance on February 2, 2023.

The City Council of the City of Fort Walton Beach finds that the proposed ordinance is consistent with the goals, objectives, and policies of the City's Comprehensive Plan.

The City Council of the City of Fort Walton Beach finds that all notice requirements for enactment of the ordinance have been met in accordance with the Florida Statutes and the City's Land Development Code.

**Section 7. Effective Date**

This ordinance shall take effect immediately upon approval on second reading by the City Council and signature of the Mayor.

Adopted: March 14, 2023

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Richard A. Rynearson, Mayor

Attest:

Approved for form, legal sufficiency

\_\_\_\_\_  
Kim M. Barnes, City Clerk

\_\_\_\_\_  
Hayward Dykes, Jr., City Attorney

Additions are underlined; deletions are stricken.