

ORDINANCE #ORD2020-10

AN ORDINANCE OF THE CITY OF DUNNELTON,  
FLORIDA, AMENDING THE CODE OF ORDINANCES,  
APPENDIX "A" OF THE LAND DEVELOPMENT  
REGULATION, SECTION 7.1, "TABLE OF PERMITTED  
USES" TO INCLUDE SOLAR FARMS IN SERVICE AND  
PUBLIC USES; AMENDING SECTION 7.2, "DISTRICT USE  
DEFINITIONS" TO CREATE A DEFINITION FOR "SOLAR  
FARM"; AMENDING SECTION 8.16, "AGRICULTURAL  
(A-1) TO INCLUDE SOLAR FARMS; AMENDING SECTION  
8.17, "PUBLIC (P)" TO INCLUDE SOLAR FARM;  
AMENDING SECTION 9.1, "SPECIAL EXCEPTIONS" TO  
ADD CONDITION OF APPROVAL FOR SOLAR FARMS;  
PROVIDING FOR SEVERABILITY, CODIFICATION,  
CONFLICTS, AND AN EFFECTIVE DATE.

**WHEREAS**, it is the goal of the City of Dunnellon to make provisions for appropriate land  
uses, to promote, protect, and improve the public health, safety and welfare of Dunnellon’s  
residents, while maximizing economic benefits and minimizing threats to natural and man-made  
resources;

**WHEREAS**, the City Council finds that there is a need to make provisions in the City of  
Dunnellon’s Land Development Regulations for solar farms as a land use permissible by special  
exception in the Agriculture and Public land use categories; and

**WHEREAS**, the City Council finds that such provisions are consistent with the City of  
Dunnellon’s Comprehensive Plan; and

**WHEREAS**, accordingly, the City Council finds it is necessary and in the best interest of the  
public health, safety and welfare to establish conditions upon which solar farms may be a permissible  
land use in Agriculture and Public land use/zoning categories by special exception.

**LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of  
Dunnellon City Code, ~~striketrough~~ constitutes deletions from the original, and asterisks (\*\*\*)  
indicate an omission from the existing text which is intended to remain unchanged.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF DUNNELTON, FLORIDA THAT:**

**SECTION 1.** The recitals set forth above are hereby adopted as legislative findings of the  
City Council of the City of Dunnellon.

40           **SECTION 2.** Appendix A, of the Land Development Regulations of the City of Dunnellon  
 41 is hereby amended as follows:

42  
 43 **Section. 7.1 Table of permitted uses.**

44 \*\*\*

SERVICE USES	A-1	R-1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B-2	B-3	B-4	B-5	B-6	P	PUD
****																	
Self service station – convenience store												X	X				
<u>Solar farms</u>	<u>SE</u>															<u>SE</u>	
Stable	X																

45

46 \*\*\*

Public uses	A-1	R-1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B-2	B-3	B-4	B-5	B-6	P	PUD
****																	
Public transportation terminal													X			x	
<u>Solar farms</u>	<u>SE</u>															<u>SE</u>	
****																	

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49 **Section. 7.2 District use definitions.**

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51           *Shoe store* means establishments engaged in the sale of foot-ware, including athletic foot-  
 52 ware. These establishments also stock accessory items, such as hosiery, gloves, and handbags.

53           *Solar farm* means lands containing multiple ground mounted solar panels, ancillary  
 54 equipment, and buildings used for the collection, storage, and transmission of solar power as  
 55 electricity by commercial and/or public enterprises. Such facilities shall be 10 acres or more in  
 56 size and capable of generating a minimum of one-megawatt of power per hour.

57  
 58           *Sporting goods store* means an establishment engaged in the sale of sporting goods,  
 59 sporting equipment

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61

62

63 **Section 8.16 Agricultural (A-1).**

64 The A-1 district applies to areas intended for agricultural use, including solar farms by  
65 special exception, and low density residential. The regulations of this district are intended to permit  
66 a reasonable use of property while preventing the creation of conditions which would blight or  
67 prevent the proper future use of nearby property. The allowable density shall be one unit per ten  
68 acres, except that a density of one dwelling unit per five gross acres shall be allowed for  
69 Conservation Subdivision, approved with the requirements of Chapter 97.

70 **Section 8.17 Public (P).**

- 71 (a) The Public (P) zoning district is permitted in only the Public land use category.  
72
- 73 (b) The Public (P) district is intended to provide for areas where public and semipublic  
74 facilities serve the needs of the community. Solar farms are permissible in this  
75 zoning district by special exception.  
76
- 77 (c) Front, side, and rear setbacks shall be no less than the corresponding minimum  
78 setback requirement in the code applicable to each adjoining property line. In the  
79 event that front, side, or rear property line adjoins multiple properties with multiple  
80 setback requirements, the minimum required setback shall be met for each  
81 adjoining zoning district along that property line.  
82
- 83 (d) Maximum height shall be limited to the lowest maximum height allowed of the  
84 adjacent properties.

85 \*\*\*

86 **Article IX. SUPPLEMENTARY DISTRICT REGULATIONS**

87 **Section 9.1 Special Exceptions.**

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89 (12) *Recreation facility, outdoor.* This use will be permitted in all residential areas as identified  
90 in the use chart and shall be approved as part of the site plan for a multifamily project or on a  
91 specified lot or tract approved as part of a subdivision. A special exception shall be required if any  
92 part of the use, including parking, is proposed with 100' of the property line that abuts a R-1, R-  
93 1A or R-1B lot. Criteria for the special exception will include:

- 94 a. The facility must meet all required site plan and building code requirements.
- 95 b. The facility must be buffered against any lower intensive uses adjacent to the site.

96 c. The facility must be addressed as to its location to the residents and the potential  
97 noise that may be generated by the use.

98 (13) Solar farms. Solar farms shall be permitted as a special exception in the Agriculture (A-1)  
99 and Public (P) zoning district if, in addition to the criteria set forth in Section 9.1(b), the following  
100 conditions are met:

101 a. Setbacks equal to those of the zoning district the solar farm abuts shall be applied,  
102 except:

103 1. When abutting a property with residential zoning, a 100-foot setback shall  
104 be required.

105 2. When abutting the Rainbow River or Withlacoochee River and their natural  
106 or artificial coves, canals, lakes or other water bodies capable of maintaining  
107 navigation in their current state, a 300-foot setback from the more  
108 discernable of the shoreline/high water line shall be required. For purposes  
109 of this section, the word 'navigation' shall mean the ability to operate any  
110 type of watercraft, barge, or airboat as a means of transportation on water.

111 b. Where the solar farm abuts a residentially zoned property or waters described in  
112 (a)(2) above, a 25-foot landscape buffer meeting the buffer requirements of Section 74-108(4)(a)-  
113 (b) shall also be met.

114 c. When the solar farm abuts a residentially zoned property, all fencing abutting said  
115 zoned property shall be required to be at least 80-percent opaque. Fabric or similar screening shall  
116 be attached to chain link or other less-opaque fences to meet this standard.

117 d. If trees are to be removed for construction of the solar farm, the applicant shall  
118 comply with the standards of Section 74-66(a)-(j) and all applicable state statutes regarding tree  
119 removal.

120 e. As a condition precedent for qualifying for a special exception for a solar farm, the  
121 applicant must demonstrate compliance with all federal and state statutes or regulations governing  
122 solar farms and the applicant shall obtain all applicable licenses and/or permits from such federal  
123 and state agencies.

124 \*\*\*

125 **SECTION 3. CODIFICATION.** It is the intent of the City Council of the City of  
126 Dunnellon that the provisions of this Ordinance shall be codified. The codifier is granted broad  
127 and liberal authority in codifying the provision of this Ordinance.  
128

129 **SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word or portion of  
130 this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall

131 not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,  
132 word or portion of this Ordinance not otherwise determined to be invalid, unlawful or  
133 unconstitutional.

134  
135 **SECTION 5. CONFLICTS.** In any case where a provision of this Ordinance is found  
136 to be in conflict with a provision of any other ordinance of this City, the provision which  
137 establishes the higher standards for the promotion and protection of the health and safety of the  
138 people shall prevail.

139  
140 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately  
141 upon its passage and adoption.

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143 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first  
144 reading on the \_\_th day of \_\_\_\_\_, 2020.

145  
146 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon  
147 the second and final reading and public hearing on the \_\_th day of \_\_\_\_\_, 2021.

148  
149 Ordinance Posted on the City’s website on \_\_\_\_\_, 2021. Public hearing advertised on  
150 the City’s website on \_\_\_\_\_, 2021 and advertised in the Riverland News on \_\_\_\_\_  
151 \_\_\_\_\_, 2021.

152  
153 ATTEST: **CITY OF DUNNELLON**

154  
155 \_\_\_\_\_  
156 Amanda L. Roberts, CMC  
157 City Clerk

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155 \_\_\_\_\_  
156 William P. White, Mayor

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159  
160 Approved as to Form:  
161  
162 \_\_\_\_\_  
163 Andrew J. Hand, City Attorney