

EXHIBIT A

SOLAR GENERATING FACILITIES LDC AMENDMENT

Amend the LDC as follows:

1.08.02 – Definitions

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Electric substation: The term “electric substation” means an electric substation, including accessory administration or maintenance buildings and related accessory uses and structures, which takes electricity from the transmission grid and switches and/or converts it to another voltage for the transmission grid or to a lower voltage so it can be distributed to customers through one or more lines. Accessory and collocated uses and structures may include unmanned utility structures, and other energy consuming uses

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Essential services: Those services and facilities, including utilities, safety services, and other government services, necessary to promote and protect public health, safety and welfare, including but not limited to the following: police; fire, emergency medical, public park and public library facilities; and all services designed and operated to provide water, sewer, gas, telephone, electricity, solar facilities, cable television or communications to the general public by providers that have been approved and authorized according to laws having appropriate jurisdiction, and governmental facilities.

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Solar facility: A production facility for electric power which uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite. Consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components. May include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

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2.01.03 – Essential Services

Essential services are hereby defined as services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction, and government facilities. Essential services are allowed in any zoning district subject to the following conditions:

A. The following uses shall be deemed permitted uses in all zoning districts, except CON districts, RFMU sending lands, NRPAS, HSAS, and FSAS:

1. Water lines and sewer lines;

2. Natural gas lines, except those associated with oil extraction and related processing operations as defined in this Code and regulated under applicable federal and state law;
3. Telephone lines, telephone switching stations, and cable television lines;
4. Communication towers, limited to those providing wireless emergency telephone service, subject to all applicable provisions in section 5.05.09 of this Code;
5. Electrical transmission and distribution lines, substations, and emergency power structures;
6. Sewage lift stations and water pumping stations (including accessory and collocated uses and structures);
7. Essential service wells (including extraction facilities and requisite ancillary facilities);
8. Any other wells which have been or will be permitted by the South Florida Water Management District or the Florida Department of Environmental Protection either prior to or subsequent to the effective date of this ordinance, or if the respective well and/or well related facility is otherwise required to be installed or constructed by law. If any proposed well is a Collier County owned well under the permitting jurisdiction of a Florida agency, staff, early in the County's well permit application process, shall post sign(s) at the County's proposed well site(s) and shall provide written notice that the county has applied for a required well permit to property owners within 300 feet of the property lines of the lots or parcels of land on which the applied-for well is being sought by the County, including, if applicable, the times and places of the permitting agency's scheduled public hearings; and
9. Conservation Collier lands which provide for permitted nondestructive, passive natural resource based recreational and educational activities, exclusive of major improvements. Permitted minor improvements shall be limited to one (1) ground sign, not to exceed eight (8) feet in height with a maximum sign area of thirty-two (32) square feet; a parking area, not to exceed twenty (20) parking spaces; hiking trails; a fully accessible trail or trail section; educational kiosks not to exceed one hundred (100) square feet; and public restroom facilities not to exceed five hundred (500) square feet. The provisions for Conservation Collier lands in this Code do not affect the underlying zoning districts or land use designations in any district where Conservation Collier lands are established. Such that no expansion or diminution of the various zoning district permitted uses is intended or implied by these provisions, except as stated above with respect to minor improvements. Oil and gas exploration as defined and regulated in this Code remains a permitted use on or beneath Conservation Collier lands established in any zoning district providing for oil and gas exploration as a permitted use pursuant to subsection 2.03.09 B.1.a.viii.

10. Electric substations, subject to section 5.05.17, including accessory administration buildings, battery systems, and related accessory uses and structures.

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E. Additional permitted essential services in the agricultural zoned district. In the agricultural zoned district, in addition to the essential services identified above in section 2.01.03 A., safety services, and other government services, necessary to promote and protect public health, safety and welfare are permitted essential services, limited to the following: law enforcement, fire, and emergency medical services. Solar facilities are a permitted essential service in the agricultural zoned district.

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2.03.01 – Agricultural Zoning Districts

A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County, are permissible as **conditional uses** in the A district. The A district corresponds to and implements the Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum **density** permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the **density** rating system contained in the future land use element of the GMP. The maximum **density** permissible or permitted in A district shall not exceed the **density** permissible under the **density** rating system. The maximum **density** permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the **density** permissible or permitted under the agricultural/rural district of the future land use element.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the rural agricultural district (A).

a. *Permitted uses.*

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5. Conservation uses.
6. **Oil and gas exploration** subject to state drilling permits and Collier County site **development plan** review procedures.
7. **Family care facilities**, subject to section 5.05.04.
8. Communications towers up to specified height, subject to section 5.05.09.
9. **Essential services**, as set forth in section 2.01.03.
10. Schools, public, including "**Educational plants**."

11. Solar facilities, subject to section 5.05.16, including accessory administration or maintenance buildings, battery systems, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

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3.05.02 - Exemptions from Requirements for Vegetation Protection and Preservation

- A. NBMO exemption. Development in NBMO Receiving Lands are exempt from the provisions of this section.
- B. Seminole and Miccosukee tribe exception. In accordance with § 581.187, F.S., vegetation removal permits shall not be required for members of either the Seminole Tribe of Florida or the Miccosukee Tribe of Florida Indians, subject to the following conditions. Said permit exemption shall be for the sole purpose of harvesting select vegetation, including, but not limited to, palm fronds and cypress, for use in chickee hut construction, or for cultural or religious purposes Tribal member identification and written permission from the property owner must be in possession at the time of vegetation removal. This exemption shall not apply to general land clearing, or to agricultural land clearing, including silviculture.
- C. Agricultural exemption. Agricultural operations that fall within the scope of sections 163.3162(4) and 823.14(6), Florida Statutes, are exempt from the provisions of section 3.05.03 through 3.05.09, provided that any new clearing of land for agriculture outside of the RLSA District shall not be converted to non-agricultural development for 25 years, unless the applicable provisions set forth in section 3.05.04 through 3.05.07 G. are adhered to at the time of the conversion. The percentage of native vegetation preserved shall be calculated on the amount of vegetation occurring at the time of the agricultural clearing, and if found to be deficient, a native plant community shall be restored to re-create a native plant community in all three strata (ground covers, shrubs and trees), utilizing larger plant materials so as to more quickly re-create the lost mature vegetation.

D. Solar facilities exemption. Solar facilities are exempt from the provisions of this section.

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3.05.06 - Management Plan Required

For all individual areas of mangrove trees and areas of preserved plant communities larger than one-half (½) acre in area except for solar facilities, the owner shall submit, for the approval of the County Manager or designee, a narrative management plan indicating the manner in which the owner will preserve the native plant communities. The narrative shall include:

- A. Whether the existing vegetation is to be preserved in the existing species composition.
- B. The manner in which the composition of existing plant material is to be preserved (hand removal of invasive species, prescribed burning, etc.), if applicable.
- C. The maintenance schedule for the removal of invasive species.

- D. The maintenance schedule for the removal of debris.
- E. Other information that may be required by the County Manager or his designee that is reasonable and necessary to determine if the management plan meets the requirements of this LDC.
- F. The County Manager or designee may conduct an on-site inspection to determine if the proposed vegetation removal meets the criteria in section 3.05.05 and conforms to the preservation standards in section 3.05.07 below.

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3.05.07 – Preservation Standards

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H. Preserve Standards.

1. Design Standards.

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- d. Preserve mechanisms. All preserve areas shall be designated as preserves on all site plans.

On-site County required preserves shall be dedicated to the County as non-exclusive conservation **easements** without placing on the County the responsibility for maintenance of the preserve area, and the **easement** conveyance to the County shall include the right of **access** from existing road **right-of-way**. The **easement** shall dedicate the responsibility of maintenance to a property owners association or similar entity, and it shall contain allowable uses and limitations to protect the preserve. All preserve areas shall be shown on the preliminary and final plats in accordance with section 10.02.04, with language similar to Section 704.06 F.S.

No individual residential or commercial **lot, parcel** lines, or other **easements** including, but not limited to, utility or **access easements** that are not compatible with allowable uses in preserve areas, may project into a preserve area.

State and federal parks and preserves, and solar facilities, shall not be required to place their preserves in a conservation **easement**.

Any conservation **easement** or other document restricting uses in a preserve area shall contain the following statement (consistent with CCME GMP Policy 1.1.6):

"Oil extraction and related processing operations are uses which are exempt from the restrictions herein and shall remain allowed uses on the lands described herein."

f. Off-site vegetation retention.

- i. Purpose and Intent. The purpose of this subsection f. is to identify the criteria to satisfy on-site preserve requirements off site. The intent of the on-site preserve requirement is to retain, maintain, and preserve existing native vegetation on site as provided for in the Conservation and Coastal Management Element of the GMP. However, in limited situations on-site preserve may be considered less viable as a functional preserve if it is 21,780 square feet (one-half acre) or less and isolated. Therefore, in limited situations, providing for a preserve off site can achieve the goals and objectives of the GMP. This section shall not apply to lands located within the RLSA or RFMU districts.
- ii. Applicability and prohibitions. Except where it is prohibited, applicants may request that the on-site native vegetation retention requirement be satisfied in full off site where the native vegetation requirement is 21,780 square feet (one-half acre) or less, and the preserves have not been identified on an approved development order by the County. Off-site preserves are prohibited if one or more of the following is found on site:
 - a) Xeric scrub, hardwood hammocks, mangrove (excluding mangrove fringes less than 40 feet in width, as measured from the root line, on artificially created shorelines), coastal dune and strand environments, and listed species habitat or corridors per the requirements or recommendations of the FFWCC or USFWS;
 - b) Preserves that are located within or contiguous to natural flowways required to be retained per the requirements of the SFWMD, natural water bodies, estuaries, government required preserves (not meeting the off-site preservation criteria herein), NRPAs, or contiguous to property designated for purchase by Conservation Collier or purchased by Conservation Collier, or contiguous to properties containing listed species nests, buffers, corridors and foraging habitat per the requirements or recommendations of the FFWCC or USFWS. For the purpose of this section, natural flowways shall also include those identified during wetland permitting with applicable State and Federal agencies, regional drainage studies, or surface water management permits; or
 - c) The on-site native vegetation retention requirement is greater than 21,780 square feet (one-half acre).
- iii. Off-site preserves approved administratively. Except as limited in LDC section 3.05.07 H.1.f.ii., the County Manager or designee may

approve deviations to meet the on-site preserve requirements off site in only the following four situations:

- a) Essential services facilities, including solar facilities;
- b) Affordable housing approved by the Collier County Community and Human Services Division;
- c) Projects where on-site native vegetation is fragmented; or
- d) Projects where on-site native vegetation is not contiguous to off-site preserve areas.

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4.06.02 – Buffer Requirements

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C. Types of **buffers**. Within a required **buffer** strip, the following types of **buffers** shall be used based on the matrix in table 2.4. (See Figure 4.06.02.C-1)

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Table 2.4 Table of **Buffer** Requirements by Land Use Classifications

Subject Property's District/Use	Adjacent Properties Zoning District and/or Property Use													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1. Agriculture (A ^{1 5})	-	B	B	B	B	B	A	A	A	A	D	A	-	A
2. Residential (E, RSF) single-family	A	A	B	B	B	B	B	C	B	*	D	B	-	C
3. Residential (RMF-6, RMF-12, RMF-16) multifamily	A	B	A	A	A	B	B	B	B	*	D	B	-	C
4. Residential tourist (RT)	A	B	A	A	B	B	A	B	B	*	D	B	-	B
5. Village residential (VR)	A	A	B	B	A	B	B	B	B	*	D	B	-	B
6. Mobile home (MH)	A	B	B	B	B	A	B	B	B	*	D	B	B	B
7. Commercial ³ (C-1, C-2, C-3, C-4, C-5); Business Park (BP)	A	B	B	B	B	B	A	A	A	*	D	B	B	B
8. Industrial ² (I)	A	C	B	B	B	B	A	A ²	A	*	D	B	B	B

	Adjacent Properties Zoning District and/or Property Use													
9. Public use (P), community facility (CF), Golf Course Clubhouse, Amenity Center	A	B	B	B	B	B	A	A	A	*	D	B	-	C
10. Planned unit development (PUD)	*	*	*	*	*	*	*	*	*	*	D	*	*	*
11. Vehicular rights-of-way ⁵	D	D	D	D	D	D	D	D	D	D	-	B	-	D
12. Golf course maintenance building	B	B	B	B	B	B	B	B	B	B	B	A	B	C
13. Golf course	-	-	-	-	-	-	-	-	-	-	-	B	-	C
14. Automobile service station ⁴	A	C	C	B	B	B	B	B	C	*	D	C	C	D

Table 2.4 information: The letter listed under "Adjacent Properties Zoning District and/or Property Use" shall be the landscape buffer and screening alternative required. Where a conflict exists between the buffer required by zoning district or property use, the more stringent buffer shall be required. The "-" symbol shall represent that no buffer is required. The PUD district buffer, due to a variety of differing land uses, is indicated by the "*" symbol, and shall be based on the landscape buffer and screening of the district or property use with the most similar types, densities and intensities of use. Where a conflict exists between the buffering requirements and the yard requirements of this Code, the yard requirements of the subject zoning district shall apply.

¹ **Buffering** in agriculture (A) districts shall be applicable at the time of site **development plan** (SDP) submittal.

² Industrial (I) zoned property, where abutting industrial (I) zoned property, shall be required to install a minimum 5-foot-wide type A **landscape buffer** adjacent to the side and rear property lines. The buffer area shall not be used for water management. In addition, trees may be reduced to 50 feet on center along rear and side perimeter **buffers** only. This reduction in **buffer** width shall not apply to **buffers adjacent** to vehicular **rights-of-way** or nonindustrial zoned property. **Abutting** industrial zoned properties may remove a side or rear **buffer** along the shared property line in accordance with Section 4.06.02 C.7. This exception to **buffers** shall not apply to **buffers abutting** to vehicular **rights-of-way**.

³ **Buffer** areas between commercial **outparcels** located within a **shopping center**, Business Park, or similar commercial **development** may have a shared **buffer** 15 feet wide with each **abutting** property contributing 7.5 feet. The **outparcels** may remove a side or rear **buffer** along the shared property line between comparable uses within the same zoning designation in accordance with Section 4.06.02 C.7. These provisions shall not apply to **right-of-way buffers**.

⁴ Refer to section 5.05.05 for **automobile service station** landscape requirements.

⁵ [Refer to section 5.05.16 for solar facility landscape requirements.](#)

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5.05.16 – Solar Facilities (New Section)

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2 A. Purpose and Intent. This section is intended to provide development standards for solar
3 facilities consistent with other similar uses in the agricultural zoning districts.

4
5 B. Development Standards.

6
7 1. Site Design Requirements.

8
9 a. Accessory and principal structures must comply with the Rural Agriculture (A)
10 site development standards set forth in LDC Section 4.02.01, except as noted
11 below.

12
13 b. Buffering and Open Space.

14
15 i. **Solar facilities** shall not be required to provide landscape buffers
16 when located abutting or adjacent to agriculturally zoned property and
17 rights-of-way. All other buffers must comply with the requirements for
18 agricultural uses in LDC Section 4.06.02.

19
20 ii. For purposes of calculating the open space requirements, the area of
21 the solar panels and transmission lines shall be considered open
22 space if the ground beneath the panel remains pervious.

23
24 c. Streetlights. **Solar facilities** are exempt from entry/exit streetlighting in LDC
25 Section 6.06.03 B.

26
27 d. Conservation Easements. **Solar facilities** shall not be required to place their
28 preserves in a conservation easement.

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30 # # # # # # # # # # # # #

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32 5.05.17 – Electric Substations (New Section)

33
34 A. Purpose and Intent. This section is intended to provide development standards for Electric
35 Substations consistent with standards provided in Florida Statutes.

36
37 B. Development Standards.

38
39 1. Buffering and Setbacks in Residential Areas

40
41 a. **Electric substations** in zoning districts with setbacks between 50 and 100
42 feet shall include a security fence with a maximum height of 10 feet.

43
44 b. **Electric substations** in zoning districts with setbacks less than 50 feet shall
45 include a buffer wall or fence with a maximum height of 8 feet.

46
47 c. Setbacks for **Electric Substations** shall be the same as principal structure
48 setbacks for the zoning district.

49
50 2. Buffering and Setbacks in Non-Residential Areas.

a. Setbacks and buffers for **Electric substations** shall be the same as those applicable to utility buildings for the zoning district.

3. Buffering and Setbacks for Accessory Uses. Collocated unmanned data centers, allowed as an accessory use to electric substations shall comply with all buffering and setback requirements for Electric Substations.

4. Accessory and Collocated Uses. Electric Substations may have accessory and collocated uses and structures that are customarily located near or constructed in conjunction with any one of the permitted principal uses or structures and is accessory or ancillary to its use, including but not limited to, above ground fuel storage tanks, equipment storage, storage yards, laydown yards, and unmanned utility structures, such as, battery storage, data centers.

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6.06.03 – Streetlights

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B. At the entry/exit of any residential or commercial **development** approved through a SDP, SDPA, or PPL located on a public **collector** or **arterial street**, the following additional standards shall apply. For projects subject to architectural design standards, see LDC section 5.05.08 F. for related provisions. For solar facilities, see LDC section 5.05.16. for related provisions.

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10.02.03 – Requirements for Site Development, Site Improvement Plans and Amendments thereof

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D. Site Development Plan Requirements (SDP). A pre-application meeting shall be conducted by the County Manager or designee prior to the submission of any site development plan for review. This meeting may be waived by the County Manager or designee upon the request of the applicant.

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6. Solar facilities shall not be required to provide a Traffic Impact Statement.

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