

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on May 3, 2021 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia support the deployment of renewable electric generation and desire to provide the opportunity for its citizens to deploy solar generation facilities of various sizes;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1. The following provisions shall be added to the Zoning Ordinance of Spalding County to be appear as: Appendix M, "Spalding County Solar Energy Development Ordinance:"

APPENDIX M

SPALDING COUNTY SOLAR ENERGY DEVELOPMENT ORDINANCE

Section 101. Short Title.

This ordinance shall be known as the “Spalding County Solar Energy Development Ordinance.”

Section 102. Applicability.

- A. This Ordinance applies to the siting, construction, installation and decommissioning of a Solar Energy System (SES) that is constructed or installed after the date of adoption of this Ordinance in Spalding County, Georgia.
- B. Any SES that:
 - 1. Is in operation; or
 - 2. Is lawfully permitted and being lawfully sited, constructed or installed

shall be exempt from the provisions of this Ordinance, unless surface area of an Integrated SES or Rooftop SES or the footprint of a Ground Mounted SES is increased by more than 25% after the date of adoption of this Ordinance.

Section 103. Definitions.

- A. *Solar Energy System (SES).* A device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications. For purposes of the Unified Development Ordinance, SES refers only to (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device or (2) solar thermal systems that use collectors to convert the sun’s rays into useful forms of energy for water heating, space heating or space cooling, but excluding concentrated solar power which uses mirrors to focus the energy from the sun to produce electricity.
- B. *Footprint.* The ground area on which a Ground Mounted Solar Energy System is located. The footprint is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the function of the SES, such as transformers and inverters. The footprint does not include any visual buffer or perimeter fencing. Transmission lines

(or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the footprint.

- C. *Ground Mounted Solar Energy System.* An SES that is structurally mounted to the ground and does not qualify as an Integrated SES. Any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.
- D. *Ground Mounted Solar Energy System, Small Scale (Small Scale SES).* A Ground Mounted SES with a footprint of between 1 and 5 acres.
- E. *Ground Mounted Solar Energy System, Intermediate Scale (Intermediate Scale SES).* A Ground Mounted SES with a footprint greater than 5 and up to 15 acres.
- F. *Ground Mounted Solar Energy System, Large Scale (Large Scale SES).* A Ground Mounted SES with a footprint exceeding 15 acres.
- G. *Integrated Solar Energy System.* An SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building or other structure. An Integrated SES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, light or parking meter.
- H. *Rooftop Solar Energy System.* An SES that is structurally mounted to the roof of a house, building or other structure and that does not qualify as an Integrated SES.

Section 104. Requirements for an Integrated SES.

- A. *Solar Access.* A property owner may obtain a solar easement from another property owner for the purpose of ensuring the Integrated SES adequate exposure to sunlight.
- B. *Tree Removal.* Removal of trees or natural vegetation for an Integrated SES should be avoided to the extent reasonably practicable and shall comply with Appendix K – Landscaping and Tree Preservation Ordinance for Multi-Family, Commercial, Institutional and Industrial Developments, Article II, Tree Preservation.

Section 105. Requirements for a Rooftop SES.

- A. *Solar Access.* A property owner may obtain a solar easement from another property owner for the purpose of ensuring the Integrated SES adequate exposure to sunlight.

- B. *Tree Removal.* Removal of trees or natural vegetation for an Integrated SES should be avoided to the extent reasonably practicable and shall comply with Appendix K – Landscaping and Tree Preservation Ordinance for Multi-Family, Commercial, Institutional and Industrial Developments, Article II, Tree Preservation.
- C. *Height.* A Rooftop SES will be exempt from the height or sight restrictions, if any, for roof-mounted mechanical devices or equipment, except a Rooftop SES mounted on a sloped roof shall not vertically exceed the highest point of the roof to which it is attached.

Section 106. General Requirements for each Ground Mounted SES.

- A. *Solar Access.* A property owner may obtain a solar easement from another property owner for the purpose of ensuring the Integrated SES adequate exposure to sunlight.
- B. *Impervious/Pervious Surface.* A Ground Mounted SES, its structure and components (including transformers and foundations), shall be considered a pervious surface if it is constructed in a manner that maintains water sheet flow and runoff, allowing water to infiltrate the topsoil present under and around the SES.
- C. *Lighting.* To reduce light pollution, lighting of a Ground Mounted SES shall:
 - 1. Be limited to the minimum reasonably necessary for its safe operation;
 - 2. Be directed downward where reasonably feasible;
 - 3. Incorporate full cut-off fixtures; and
 - 4. Reasonably utility motion sensors.
- D. *Tree Removal.* Removal of trees or natural vegetation for an Integrated SES should be avoided to the extent reasonably practicable and shall comply with Appendix K – Landscaping and Tree Preservation Ordinance for Multi-Family, Commercial, Institutional and Industrial Developments, Article II, Tree Preservation.
- E. *Decommissioning.* Decommissioning shall begin no later than twelve (12) months after a Ground Mounted SES has ceased to generate electricity or thermal energy, as follows:

A decommissioning plan shall be approved at the time a Special Exception for the Ground Mounted SES is allowed. The decommissioning plan shall provide that:

- 1. Notice shall be given to Spalding County when the Ground Mounted SES is to be decommissioned;
- 2. The Ground Mounted SES and all structures associated with it shall be removed within six (6) months from the commencement of decommissioning;

3. All structures shall be removed and all materials shall be recycled or otherwise reused to the extent reasonably practicable;
 4. The property shall be returned to its condition prior to installation of the SES or to some other condition appropriate for a land use permitted in the zoning district;
 5. The Notice in Section (E)(1), above shall include an estimate of the cost of restoration of the property to its condition prior to installation; and
 6. The requirement that a security bond in favor of Spalding County will be posted at the time Notice in Section (E)(1) is given in the amount of the estimated cost to restoration.
- F. *Prohibition of Location in Airport Overlay.* No Ground Mounted SES may be located on property lying within the Griffin-Spalding County Airport Overlay District, Uniform Development Ordinance, Article 22A.
- G. *Topography.* A Ground Mounted SES shall be constructed in a manner to complement the natural topography of the property on which it is located and in a manner that eliminates light reflection into public streets and rights of way.

Section 107. Specific Requirements for a Ground Mounted SES, Intermediate Scale.

- A. *Setbacks.* A Ground Mounted SES, Intermediate Scale shall comply with the following setback requirements:
1. At least fifteen (15) feet from each property line or the setback required by the applicable zoning district, whichever is less;
 2. At least fifteen (15) feet from any public right-of-way or the setback required by the application zoning district, whichever is greater;
 3. At least fifty (50) feet from any residential dwelling on an adjacent lot.
- B. *Visual Buffers.* A Ground Mounted SES, Intermediate Scale located in a residential or agricultural zoning district shall have, to the extent practicable, a visual buffer of natural vegetation, plantings, earth berms and/or opaque fencing to provide a reasonable visual and lighting screen to reduce the view of the SES from any residential dwelling unit on an adjacent lot, including those lots located across a public right-of-way. The existing natural vegetation shall be preserved to establish a sufficient buffer, if possible.
- C. *Signage.* A Ground Mounted SES, Intermediate Scale shall:
1. Display signs (a) stating the risks that may result from contact with the SES, (b) identify the owner or operator of the SES and (c) provide a 24-hour emergency contact phone number;

2. May separately have signs that provide educational information about the SES.

Section 108. Specific Requirements for a Ground Mounted SES, Large Scale.

- A. *Setbacks.* A Ground Mounted SES, Large Scale shall comply with the following setback requirements:
 1. At least fifteen (15) feet from each property line or the setback required by the applicable zoning district, whichever is less;
 2. At least fifteen (20) feet from any public right-of-way or the setback required by the application zoning district, whichever is greater;
 3. At least one hundred (100) feet from any residential dwelling on an adjacent lot.
- B. *Visual Buffers.* A Ground Mounted SES, Large Scale located in a residential or agricultural zoning district shall have, to the extent practicable, a visual buffer of natural vegetation, plantings, earth berms and/or opaque fencing to provide a reasonable visual and lighting screen to reduce the view of the SES from any residential dwelling unit on an adjacent lot, including those lots located across a public right-of-way. The existing natural vegetation shall be preserved to establish a sufficient buffer, if possible.
- C. *Signage.* A Ground Mounted SES, Large Scale shall:
 1. Display signs (a) stating the risks that may result from contact with the SES, (b) identify the owner or operator of the SES and (c) provide a 24-hour emergency contact phone number;
 2. May separately have signs that provide educational information about the SES.

Section 109. Special Exception Application Requirements.

In addition to the requirements of the Unified Development Ordinance, Section 413, a Special Exception application for a SES shall include:

- A. *Basic Information.* Any Special Exception application for an SES shall include:
 1. The address of the property on which the SES will be located;
 2. The Applicant's name, address, telephone number and email;
 3. The property owner's name, address, telephone number and email;
 4. The SES operator's name, address, telephone number and email;
 5. The installation company's name, address, telephone number and email; and
 6. Documentation of the Applicant's authority to construct the SES on the property, such as a deed, lease, option or other agreement.

B. *Site Plan.* The Applicant shall submit the following:

1. A site plan of the property that depicts the location of all existing and proposed structures (including solar arrays, inverters, transformers, electrical substations and buildings), property lines, rights-of-way, roads, required setbacks and visual buffers;
2. A topographic map that depicts vegetative cover, watersheds or wetlands on the property;
3. A visual buffer plan that demonstrates that the visual buffer will (a) minimize the impact of the SES on any adjacent dwelling units, (b) preserves natural tree growth and natural land forms along the SES perimeter and (c) adheres to any additional visual buffer requirements that may be imposed to further minimize the impacts of the SES on the character of the community and surrounding area; and
4. If located in an agricultural zoning district, a map that identifies prime farmland on the property.

C. *Decommissioning Plan.* The Applicant shall submit a SES decommission plan that includes the following:

1. The name, address, telephone number and email address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
2. A statement of conditions that require the decommissioning plan to be implemented;
3. A removal plan that identifies all structures, components and non-utility owned equipment that will be removed;
4. A plan for recycling or otherwise reusing all materials to the extent reasonably practicable;
5. A restoration plan to return the property to its condition prior to the installation of the SES or to another use or condition permitted in the zoning district; and
6. A timeline to complete decommissioning.

Section 110. Certifications.

A. The Applicant shall submit an affidavit that states, to the best of Applicant's knowledge that:

1. Construction and operation of the SES will comply with all applicable federal and state laws;
2. Construction and operation of the SES will comply with all local laws, including the requirements of the Spalding County Unified Development Ordinance; and
3. Applicant will maintain commercial general liability insurance throughout the siting, construction, installation, operation and decommissioning of the SES and provide proof of coverage thereon with minimum limits of \$1,000,000 per person and \$2,000,000 per occurrence.

Section 2: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 3: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

Approved on first reading April 22, 2021.

Approved on second reading May 3, 2021.