

CITY OF TIFTON
ORDINANCE NO. 2021- 14

AN ORDINANCE OF THE CITY OF TIFTON, GEORGIA TO AMEND THE CITY OF TIFTON LAND DEVELOPMENT CODE CHAPTER TO INCLUDE A SECTION 4.03.34 TO REGULATE THE LOCATION, DEVELOPMENT, OPERATION AND DECOMMISSIONING SOLAR ENERGY FACILITIES; TO ESTABLISH AN EFFECTIVE DATE AND FOR OTHER PURPOSES

WHEREAS, the City of Tifton Land Development Code was adopted on July 2, 2012 which, in part, regulated the zoning in the City of Tifton; and

WHEREAS, it is the desire that the Land Development Code be amended to provide standards for the development of solar energy facilities;

WHEREAS, The City of Tifton is permitted by Georgia state law to exercise zoning powers, pursuant to Title 36, Chapter 66, Official Code of Georgia Annotated, as amended;

NOW THEREFORE, having reviewed the record before it and after applying all applicable ordinances;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIFTON that the City of Tifton's Land Development Code be amended to add Section 4.03.34 to Chapter 4 [Supplemental Standards] to read as follows:

4.03.34 Solar Energy Production Facilities (Solar Farms)

A. Definitions

The following terms are specifically defined for purposes of this Section:

Inverter: A device that converts Direct Current (DC) electricity into usable Alternating Current (AC) electricity for transmission to the power grid.

Mechanical Equipment: All items not listed in these definitions that are directly related to construction and operation of a solar energy system or facility including, but not limited to, onsite transmission lines, pumps, batteries, inverters, mounting brackets, framing, foundations or other structures, etc.

Power grid: An interconnected network for delivering electricity from producers to consumers. In a power grid, generating stations produce electric power, which is then sent through a substation in order to adjust the voltage. The power is then sent from the substation to high-voltage transmission lines. From there, distribution lines provide power to individual consumers. In some cases, customers can receive a payment or credit for surplus electricity that is generated by their solar energy system and fed into the grid.

Solar Energy: Radiant energy (i.e., light) received from the sun that can be collected by solar panels and converted into electricity in a solar energy system or solar energy production facility.

Solar Energy Production Facility, also known as Solar Farm: A utility-scale facility for the collection and distribution of solar energy. These facilities are generally more than two acres in size and have capacities in excess of one megawatt. These facilities are typically connected to the local utility power grid in order to supply electricity to the grid and power multiple properties.

Solar Energy System: A system for converting solar energy into electricity, typically for on-site consumption.

Solar Energy System, Building-Integrated: A solar energy system that is built into, rather than installed onto, a structure.

Solar Energy System, Building-Mounted: A solar energy system that is added onto an existing structure, with solar panels typically located on the roof. Roof-mounted solar energy systems fall within this category.

Solar Energy System, Ground-Mounted: A solar energy system that is installed on the ground and is not attached or affixed to any structure.

Solar Panel: A device for the direct conversion of sunlight into electric power.

Substation: A set of equipment for converting the high-voltage electricity produced by a power plant or solar energy production facility into a voltage suitable for supply to consumers.

B. Requirements for Solar Energy Production Facilities

1. The design of the solar energy production facility shall conform to applicable local, state, and national solar codes and standards, and to all local government regulations. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for grid-connected solar energy production facilities) or by the local government.
2. If solar storage batteries are included as part of the solar energy system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with all local, state, and federal laws and regulations.
3. Prior to operation, electrical connections must be inspected by an appropriate electrical inspection person or agency, as determined by the local government.
4. Onsite power lines and interconnections shall be placed underground, to the greatest extent possible.
5. A solar energy production facility connected to the utility grid shall provide evidence from the applicable electric utility acknowledging the solar energy production facility will be interconnected to the utility grid in order to sell electricity to the utility.
6. Solar energy production facilities shall not be permitted in a special flood hazard area. All solar energy production facilities shall comply with the local Floodplain Management Ordinance.

7. The minimum lot size for a solar energy production facility (solar farm) as a principal use shall be the same as the minimum lot size for Suburban Agriculture (SA) zoning districts and the maximum size of the solar farm array shall be no greater than 15 acres..

8. Solar energy production facilities and all solar panels and equipment associated therewith shall have a minimum setback of 50 feet from all property lines.

9. The height of solar panels and mounts shall not exceed 15 feet in height.

10. Any solar energy production facility proposed within a 2-mile radius of an airport shall present evidence that they have gone through a review process with the Federal Aviation Administration (FAA). This review from the FAA shall indicate that the proposed facility shall not interfere with the normal operation of aircraft in the area.

11. A security fence of chain link or similar material at a minimum height of 6 feet with a gate and locking mechanism shall enclose the perimeter of the solar energy production facility to deny access to any individuals not authorized to be on the property and for public safety. Signage should be included on the property alerting individuals to the risk from high voltage on the site. Brightly colored signs no smaller than one foot by two feet shall be posted on the fence every 100 feet warning of danger and high voltage. A sign containing the name(s) of the facility owners and operator(s), their addresses and telephone numbers shall be posted on the fence at the entry of the solar farm.

12. Solar energy production facilities shall be buffered by the following:

- A. A ten-foot buffer area maintained on the outer perimeter of the fencing shall be landscaped.
- B. Landscaping shall include trees, shrub or hedgerow which will attain a minimum height of ten feet and full opacity within five years of installation.
- C. The above requirement may be met by existing vegetation subject to the Director's approval, as long as sufficient opacity and the required height are achieved.
- D. The property upon which the solar energy production facility is located shall be maintained as required under the International Property Maintenance Code and the City of Tifton Code of Ordinances.

13. Unless otherwise specified through a contract or agreement, the property owner of record will be the responsible party for the maintenance of the property, all requirements set forth in this Section and the solar energy production facility equipment. If the property owner shall fail to comply with all requirements set forth in this Section, the city shall be authorized to proceed without further notice to remedy or cure such condition and to take whatever actions deemed necessary to correct such condition. The expense shall be charged against the owner of the property and shall be a lien against the property upon which the condition existed, ranking equally with the lien for city taxes.

14. Any lease, agreement or contract between the owner of the property and the solar energy production facility developer or operator, shall include the decommissioning plan as required in this Section and shall be recorded in the deed records of Tift County, Georgia.

C. Decommissioning, Abandonment and Removal

1. Decommissioning: Decommissioning shall be the responsibility of the owner and shall begin no later than 12 months after the solar panels cease to generate electricity or thermal energy, unless otherwise approved by the City of Tifton. The application to establish a solar energy production facility must include a decommissioning plan, containing the following:

- A. The name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
- B. Identification of all components of the solar energy production facility;
- C. A plan with timeline for removing all components of the solar energy production facility from the property;
- D. A plan for recycling or otherwise reusing all components to the greatest extent practicable.

2. Abandonment and removal

- A. When a ground-mounted solar energy system is removed, the property shall be restored to pre-development conditions. A land disturbance permit shall be obtained as required pursuant to state law, local ordinances or local regulations.
- B. A solar energy system or solar energy production facility is considered to be abandoned if it has not been in operation for a period of twelve (12) months. If abandoned, the system or facility shall be repaired by the owner to meet federal, state, and local safety standards, or be removed by the owner within a period of twelve (12) months.
- C. When a solar energy system or facility is removed, all components shall be recycled or reused to the greatest extent practicable.

3. Remedies and Penalties

- A. If the property owner shall fail to comply with all requirements for the decommissioning set forth herein, or the person(s) or entity(ies) responsible for implementing the decommissioning plan, the city shall be authorized, without further notice, to proceed with the decommissioning, removal, disposal and restoration of the property to pre-development conditions. The expense shall be charged against the owner of the property and shall be a lien against the property ranking equally with the lien for city taxes.
- B. Any person who is convicted of violating this Section shall, upon conviction, be penalized as provided in Chapter 1, Section 1-11 of the Code of Ordinances for the City.

II.

REPEALER

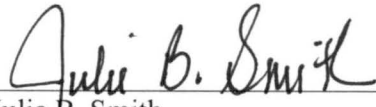
To the extent that any other ordinance, portion of an ordinance, or resolution of the City of Tifton now in effect is inconsistent with the provisions hereof, the same is repealed.

III.

EFFECTIVE DATE

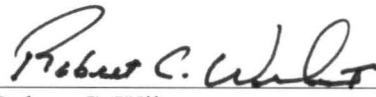
The effective date of this Ordinance shall be the date of adoption hereof.

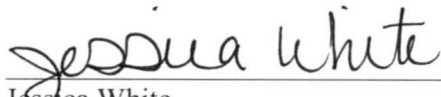
Read and adopted at a meeting of the City Council of the City of Tifton held on the 15th
day of November, 2021.


Julie B. Smith
Mayor

Approved as to Form:

Attest:


Robert C. Wilmot
City Attorney


Jessica White
City Clerk

TIFTON CITY COUNCIL AGENDA ITEM



To: Tifton City Council
From: Crystal Gaillard, Community Improvement Director
Date: October 29, 2021
Department: Community Development
Subject: Application PP21-0042 – Application for text amendment concerning standards related to solar farm developments.

Date: 11/1/2021
Workshop Meeting
Regular Meeting
Called Meeting

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EXECUTIVE SUMMARY

Solar developments are considered a “Permissible Use” in Suburban Agriculture (SA) zoning districts. Currently, there are no standards for solar farm developments. The proposed ordinance would regulate many aspects of the solar developments, such as:

- Maximum lot size - 15 acres
- Setbacks – 50ft from all property lines
- Maximum panel height – 15ft
- Security fence – Minimum 6ft height with locking gate and high voltage warning signs
- Buffer – 10ft along the entire outer perimeter; minimum height 10ft within 5 years
- Maintenance – Must be maintained as required under International Property Maintenance Code
- Compliance measures
- Requirement for Decommission Plan

PLANNING AND ZONING MEETINGS

- September 13, 2021 – This item was on the Planning and Zoning Commission agenda, however, due to a lack of quorum, the items was not reviewed at this meeting.
- September 27, 2021 – This item was on the Planning and Zoning Commission Special Called Meeting agenda, however, due to a lack of quorum, the item was not reviewed at this meeting.
- October 11, 2021 – This item was on the agenda to be discussed, however, due to a lack of quorum, the items was not reviewed by the Planning and Zoning Commission.

SUPPORTING EXHIBITS

Solar Standards draft ordinance