

JACKSON COUNTY, GEORGIA**AN ORDINANCE
BY THE BOARD OF COMMISSIONERS
OF JACKSON COUNTY**

An Ordinance of Jackson County, Georgia to Amend the Jackson County Unified Development Code, Article 16, "Glossary of Defined Terms," Section 16.04 to add definitions with regard to solar energy systems; to amend Article 2, "Use of Land and Structures," Section 207, "Uses Allowed in Each Zoning District," Table 2-2, "Principal Uses Allowed by Zoning District," to provide for "solar energy facility or solar farm" as a use permitted with restrictions in certain zoning districts; to amend Article 2, "Use of Land and Structures," Section 207, "Uses Allowed in Each Zoning District," Table 2-3, "Accessory Uses Allowed by Zoning District," to provide for "solar energy system, building mounted" and "solar energy system, ground mounted" as an accessory use permitted with restrictions or permitted with special use in certain zoning districts; to amend Article 3, "Restrictions on Particular Uses," to adopt new sections, Section 371, "Solar Energy System, Building Mounted" Section 372, "Solar Energy System, Ground Mounted," and Section 373, "Solar Energy Facility or Solar Farm;" to repeal conflicting ordinances; to provide for severability; and to provide for an effective date.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, O.C.G.A. Section 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Jackson County, Georgia, the Board of Commissioners of Jackson County desires to amend The Development Code; and

WHEREAS, the Board of Commissioners desires to amend the Development Code to facilitate the construction, installation, and operation of solar energy systems in the county in a manner that protects public health, safety, and welfare and avoids significant impacts on resources and adjacent properties and uses; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW THEREFORE, be it ordained and resolved by the Board of Commissioners of Jackson County, Georgia, that the Unified Development Code shall be amended in the following respects:

SECTION 1

Article 16, “Glossary of Defined Terms,” Section 1604, “Definitions; General” is amended by adding the following definitions with regard to solar energy systems:

Photovoltaic (PV) System: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity whenever light strikes them. Included in a PV system are the solar energy generation mechanisms (e.g., panels or other assemblies of solar electric cells), inverters (devices that convert Direct Current electricity produced by the system to usable Alternating Current), batteries and battery systems that store electrical energy from the PV system for future use, meters, and electric transmission wires and conduits that facilitate connections with users and/or the local power grid.

Solar Array: A number of photovoltaic modules or panels that generate solar electricity, assembled or connected together to provide a single electrical output.

Solar Array, Tracking: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device. A tracking solar array may be ground mounted or building mounted.

Solar Access Easement: A recorded easement, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector or solar energy system.

Solar Energy Facility: The area of land devoted to solar energy system installation. A solar energy facility may include an interconnection with the local utility power grid for distribution to more than one property or consumer in the electricity market as a commercial venture. Includes the term “solar farm.”

Solar Energy System: The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies, but is not limited to, photovoltaic (solar electric) systems and thermal solar energy systems.

Solar Energy System, Building Mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a

building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

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

Solar Energy System, Thermal: A solar energy system that directly heats water or other liquid using sunlight, including the use of heated liquid for such purposes as space heating and cooling, domestic hot water, and heating pool water.

Solar Farm: A solar energy facility, typically with multiple solar arrays, designed and used for the purpose of generating electric energy via a photovoltaic system.

SECTION 2

Article 2, “Use of Land and Structures,” Section 207, “Uses Allowed in Each Zoning District,” Table 2.2, “Principal Uses Allowed by Zoning District,” is amended by adding “solar energy facility or solar farm” to the table subsection titled “Utilities:”

Use	Definition	Use Restrictions (see Sec.)	PCFD	A-2	A-1 & A-2	AR	R-1	R-2	R-3	MH	NRC	CRC	HRC	LI	GI	HI
Solar energy facility or solar farm	See Sec. 16.04	Sec. 373	PR	PR	PR	SU	X	X	X	X	SU	SU	SU	PR	PR	PR

SECTION 3

Article 2, “Use of Land and Structures,” Section 207, “Uses Allowed in Each Zoning District,” Table 2.3, “Accessory Uses Allowed by Zoning District,” is amended by adding “solar energy system, mounted,” and “solar energy system, freestanding” as follows:

Use	Definition	Use Restrictions (see Sec.)	PCFD	A-2	A-1 & A-2	AR	R-1	R-2	R-3	MH	NRC	CRC	HRC	LI	GI	HI
Solar energy system, building mounted	See Sec. 16.04	Sec. 371	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
Solar energy system, ground mounted	See Sec. 16.04	Sec. 372	PR	PR	PR	PR	SU	SU	SU	SU	SU	PR	PR	PR	PR	PR

SECTION 4

Article 3, "Restrictions on Particular Uses," is hereby amended to include a new "Division V, "Additional Restrictions on Particular Uses," containing three new Sections, Section 371, "Solar Energy System, Building Mounted" Section 372, "Solar Energy System, Ground Mounted," and Section 373, "Solar Energy Facility or Solar Farm" to read as follows:

Division V. Additional Restrictions on Particular Uses.

Section 371. Solar Energy System, Building Mounted.

A building-mounted solar energy system shall be subject to the following regulations:

(a) Placement.

1. No solar energy system shall be mounted or affixed to any freestanding wall or fence.
2. Panels and building mounts shall be installed per manufacturer's specifications.
3. In residential zoning districts, a solar energy system for aesthetic reasons shall not be located on the front slope of a pitched roof of a principal residential structure unless no other location for the solar energy equipment is feasible. The county may require sun and shadow diagrams specific to the installation to ensure compliance with this provision.

(b) Height. Building-mounted solar panels or systems shall not exceed four feet above the height of any principal building on the site.

(c) Permits and Code Compliance. A building permit shall be required for installation of all building-mounted solar energy systems, except for flush-mounted panels.

Section 372. Solar Energy System, Ground Mounted.

In zoning districts where permitted, a "solar energy system, ground mounted," as defined in Section 1604, shall be subject to the following regulations:

(a) Placement.

1. A ground-mounted solar energy system shall not be located within the required front yard of a lot.
2. A ground-mounted system shall not be located over a septic system, leach field area or identified reserve area unless approved by the Health Department.
3. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

4. Panels and ground mounts shall be installed per manufacturer's specifications.

(b) Maximum Area Coverage. For residential properties, a ground-mounted solar energy system shall not exceed 25% of the footprint of the principal building served. For non-residential properties, a solar energy system shall not exceed 50% of the footprint of the principal building served.

(c) Height. The maximum height of a ground-mounted solar energy system shall not exceed the maximum building height for accessory buildings in the zoning district in which it is located, or 20 feet, whichever is less.

(d) Permitting. A building permit is required for any ground-mounted solar energy system and for the installation of any thermal solar energy system.

Section 373. Solar Energy Facility or Solar Farm.

In districts where permitted (see Table 2-2), a “solar energy facility” or “solar farm,” as defined in Section 1604, shall be subject to the following regulations:

(a) Mounting.

1. Solar panels or solar arrays shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components, in accordance with applicable building permit requirements. Electrical components of the facility shall meet applicable electrical code requirements, and all electrical wires and lines less than 100kV that are used in conjunction with the solar energy facility shall be installed underground.
2. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

(b) Setbacks. A solar energy facility and its appurtenant components and structures shall be set back a minimum of 50 feet from all property lines and 100 feet from any residence.

(c) Placement.

1. When located in agricultural zoning districts, the solar energy facility shall be located as much as possible to minimize impacts on prime agricultural soils, as mapped in the Jackson County comprehensive plan.
2. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

3. Components of the facility shall not be located over a septic system, leach field area or identified reserve area unless approved by the Health Department.

(d) Screening. The facility shall be fully screened from adjoining properties and adjacent roads using the natural topography or by installation of an evergreen buffer capable of reaching a height of 6 feet within three years of planting, with at least 75% opacity at the time of planting.

(e) Height.

1. Freestanding solar panels or solar arrays shall not exceed 25 feet in height as measured from the grade at the base of the structure to the highest point.
2. Mounted solar panels or solar arrays shall not exceed eight feet above the apex of the structure on which it is mounted or the maximum height for buildings in the zoning district in which it is located.

(f) Security.

1. Unless 24-hour security guards or video surveillance is provided at the installation, the solar energy facility shall be enclosed by a security fence no less than 6 feet nor greater than 8 feet in height.
2. Access gates and equipment cabinets must be locked when not in use.

(g) Noise. Inverter noise shall not exceed 40dBA, measured at the property line.

(h) Glare and Lighting.

1. The solar energy system components shall be designed with an antireflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads.
2. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto any adjacent property or into the night sky.

(i) Maintenance and Upkeep. Systems shall be maintained in accordance with manufacturer's specifications. The operator of the facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from weeds, dust, trash and debris.

(j) Site Plan Review and Development Permit. A site plan reviewed and approved by the Planning Division shall be required prior to issuance of a development permit. In addition to requirements for site plans generally, the site plan submission shall include the

following information: The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, parking, access driveways and turnout locations, ancillary equipment, transmission lines, vegetation, the location of any residences on site and within 100 feet of the perimeter of the facility, the location of any proposed solar access easements, and standard drawings of solar energy system components.

(k) Additional Submission Requirements. In addition to requirements for information to be provided during the site plan review and development permitting process, the facility shall not be approved for operation until the following are submitted:

1. Copy of all lease agreements and solar access easements.
2. Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of the customer's intent to install an interconnected with the local electric utility grid. A copy of the approval from the local utility must also be provided before operation of an interconnected facility will be authorized.
3. A decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy.
4. The county may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this section.

(l) Removal of Obsolete or Unused Systems. All obsolete or unused systems shall be removed. Any structure or equipment associated with the solar farm that is not operated for a continuous period of one year shall be considered an obsolete or unused system and decommissioned per the approved decommission plan.

SEVERABILITY

It is the express intent of the Jackson County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

CONFLICTING ORDINANCES REPEALED

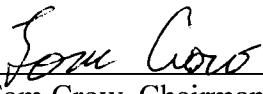
Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

EFFECTIVE DATE

This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED this 16th day of March, 2015, the public health, safety, and welfare demanding it.

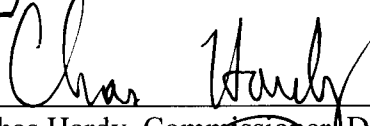
JACKSON COUNTY BOARD OF COMMISSIONERS:



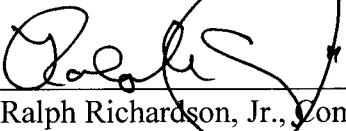
Tom Crow, Chairman




Jim Hix, Commissioner, District 1



Chas Hardy, Commissioner, District 2



Ralph Richardson, Jr., Commissioner, District 3



Dwain Smith, Commissioner, District 4

Attest:



Clerk to the Board