

AN ORDINANCE 18-115  
ENTITLED

**AN ORDINANCE AMENDING TITLE III, ARTICLE 1, SEC. 1.44: SOLAR ENERGY SYSTEMS OF THE ALBANY DOUGHERTY ZONING ORDINANCE; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.**

WHEREAS, this Commission forwarded a request (Resolution 18-R151) to the Albany Dougherty Planning Commission to review and make recommendations concerning text amendments to the Albany Dougherty Zoning Ordinance, specifically text amendments to Solar Energy Systems; and

WHEREAS, it would be in the best interests of the citizens of the City of Albany to amend its present Zoning Ordinance, all as set forth in Agenda Item prepared on August 21, 2018, prepared by the Planning and Development Services Department,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. From and after adoption of this Ordinance, Title III, Article 1, Sec. 1.44: Solar Energy Systems of the Zoning Ordinance shall be deleted in its entirety, and a new Sec. 1.44 shall be inserted to read as follows:

Section 1.44 SOLAR ENERGY SYSTEMS

I. Purpose

The following standards are to guide development of solar energy systems in order to facilitate the construction, installation and operation of solar energy systems in the city in a manner that protects the public health, safety and welfare and avoids significant impacts on resources and adjacent uses.

This ordinance establishes parameters for the siting of Solar Energy Systems. By enacting this ordinance it is the intent of the City of Albany and Dougherty County, Georgia to:

- (1) Encourage the use of existing buildings for the placement of solar energy systems;
- (2) Encourage the location of solar energy systems, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
- (3) Minimize the potential adverse effects associated with the construction of Solar Energy Facilities through the implementation of reasonable design, landscaping, and construction practices;
- (4) Encourage development of Solar Energy Facilities outside of the Urban Development Area in order to encourage the further utilization of established public infrastructure in more densely developed areas.

## II. Applicability

- (A) Solar Energy Systems or Solar Energy Facilities constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this Section.
- (B) Solar Energy Systems or Solar Energy Facilities constructed after the effective date of this ordinance shall be required to meet the requirements of this Section.
- (C) Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar energy system or facility shall comply with the provisions of this ordinance.

## III. Definitions

For purposes of the Section, the following definitions shall apply:

*Accessory Structure:* Anything constructed or erected which requires permanent location and is subordinate to a building or structure on the same lot. For purposes of this ordinance, a Solar Energy System, Ground Mounted is considered an accessory structure.

*Administrative Approval:* Zoning approval that the director is authorized to grant after administrative review.

*Administrative Review:* Non-discretionary evaluation of an application by the Director. This process is not subject to a public hearing. The procedures for Administrative Review are established in Title II, Section 6.02 of this ordinance.

*Director:* Shall mean the Director of the Department of Planning & Development Services, or his or her designee.

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

*Off-Grid Solar Photovoltaic System with Battery Back-up:* Solar electrical system designed to operate independently from the local utility grid and provide electricity to a building, boat, recreational vehicle, sign, remote pump, gates etc. These systems usually require a battery bank to store electricity generated by solar for use at night or cloudy conditions.

*Photovoltaic (PV) System:* A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which 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.

*Planning Commission:* The City of Albany and Dougherty County Planning Commission, an appointed body. Also known as the Albany Dougherty Planning Commission.

*Power Inverter:* a device that inverts the direct current (DC) electricity produced by a solar system into usable alternating current (AC).

*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. The principal use of a solar energy facility is as 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 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.

*Solar Energy System, Building Integrated:* A subset of building mounted systems, building integrated systems are photovoltaic materials that are built into, rather than installed onto the structure. They take the shape of conventional building materials such as roofing shingles, skylights, windows and wall surfaces.

*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, to provide energy primarily for on-site use. Ground mounted systems are considered accessory structures. Ground Mounted Solar Panels and mechanical equipment may be used in combination with a building mounted solar energy system.

*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.

#### IV. Approvals Required for Solar Energy Systems

##### (A) Administrative Review

- (i) Solar Energy System, Building Mounted, shall be permitted as an accessory use in all Zoning Districts provided that requirements of this ordinance are met and Administrative Approval or Approval with Conditions is granted by the Director.
- (ii) Solar Energy System, Ground Mounted, shall be permitted as an accessory use in all Zoning Districts provided that requirements of this ordinance are met and Administrative Approval or Approval with Conditions is granted by the Director.

##### (B) Special Approval

- (i) Solar Energy Facilities as a principal use shall be permitted in Zoning Districts M-1, M-2, or AG provided that requirements of Section VIII are met and Special Approval or Special Approval with Conditions is granted by the City Commission.

#### V. Application Requirements

##### (A) An application for a Solar Energy System as an accessory use shall include the following:

- (i) A site plan illustrating the location of principal building, accessory structures, and proposed location of solar panels.
- (ii) An elevation sketch illustrating the height and orientation of ground mounted components, or profile of any roof-mounted solar panels.

##### (B) An application for special approval of the City Commission, for a Solar Energy Facility that is permitted under this Ordinance only after such special approval of the City Commission, shall include a letter of intent addressing all criteria listed below in this section, a site plan that includes all site plan review requirements found in Title II Article 6 Section 6.1, and basic project information from the

applicant. The City Commission shall not take final action on the application until it has received a recommendation from the Planning Commission.

An application for a Solar Energy Facility shall conform to procedures for Special Approval as described in Title II Article 5 Section 5.2 of the Albany Dougherty County Zoning Ordinance. An application may be approved, denied, or approved with conditions. In reviewing the application, the City Commission shall consider the following Special Approval Review Criteria:

Special Approval Review Criteria for Solar Energy Facilities:

- (i) The effect of the proposed activity on traffic flow along adjoining streets. Will it adversely impact flow on adjoining streets?
- (ii) The location of off-street parking facilities. Are parking facilities adequate and properly located to serve the use and not impact surrounding properties?
- (iii) The number, size and type of signs proposed for the site.
- (iv) The amount and location of open space. Is open space adequate to preserve the character of the area and to reduce environmental impacts?
- (v) Protective screening. Is screening adequate to protect the adjacent uses from any negative impacts of this use?
- (vi) Outdoor lighting.
- (vii) Ingress and egress to the property. Does it reduce negative impacts and/or does it enhance safety?
- (viii) Compatibility with surrounding land use. Is the use compatible with adjacent uses; does it have any negative impacts?
- (ix) Is it consistent with the Comprehensive Plan?

#### VI. General Requirements for Solar Energy Systems

- (A) No solar energy system shall be installed until evidence has been presented to the Department that the applicable electric utility has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid photovoltaic systems shall be exempt from this requirement.
- (B) A solar energy facility connected to the utility grid in Zoning Districts M-1, M-2 or AG shall provide evidence from the applicable electric utility acknowledging the solar energy facility will be interconnected to the utility grid in order to sell electricity to the utility.
- (C) All solar energy systems and solar energy facilities shall comply with the local Floodplain Management Ordinance, as applicable.
- (D) Solar Energy Facilities shall not be permitted in the floodway.

- (E) Components of solar energy systems are not considered structures or appurtenances exempt from height requirements as described in Title I, Section 4.04 Permitted Height.
- (F) Solar energy systems located in the local historic district shall receive a Certificate of Appropriateness as required by the Historic Preservation Commission.

## VII. Specific Requirements for Solar Energy Systems

### (A) Building Mounted Systems

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

- i. Only building integrated or flush mounted solar energy systems shall be installed on street-facing building elevations.
- ii. No solar energy system shall be mounted or affixed to any freestanding wall or fence.
- iii. A building mounted system shall not extend beyond the edge of the roof.
- iv. Solar panels installed on a building with a sloped roof shall not project vertically more than 30 inches above the roof surface, ridge line or highest point of the roof.
- v. Solar panels installed on a building with a flat roof shall not extend more than ten (10) feet above the highest point of the roofline.

### (B) Ground Mounted Systems

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

- i. Ground mounted components shall not be located in the front yard of any lot, or between the principal building and the street. Solar canopies covering commercial parking are exempt from this requirement.
- ii. Ground mounted components shall not be located in the required setbacks of the underlying zoning district.
- iii. In the case of double frontage lots, ground mounted components shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

- iv. On corner lots, ground mounted components shall not be located closer to the side property line along a public street than the permitted distance for the principal building on the lot.
- v. Height of ground mounted solar energy panels shall not exceed sixteen (16) feet when oriented to the maximum tilt for solar collection.
- vi. The area of solar components and accessory structures in the aggregate shall not exceed the ground floor area of the principal building for residential uses; for commercial uses, the aggregate may not exceed the lot coverage for the underlying zoning district. Areas zoned for agriculture or manufacturing are exempt from this requirement but must meet the required setbacks of the district. Solar canopies covering permanent parking are exempt from this section but must meet the required setbacks of the district.
- vii. Solar energy system components shall not be located closer than ten (10) feet to any principal building on the same lot.
- viii. No ground mounted components shall be located on a residential lot unless a principal building is also located on the same lot.
- ix. Mechanical equipment for solar systems shall be screened from adjacent residential uses. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provide a visual screen. In lieu of a planting screen, an opaque fence may be used.

#### VIII. Solar Energy Facilities

- (A) Minimum Lot Size: The minimum lot size for solar energy facility (solar farm) as a principal use in the M-1, M-2 or AG districts is 5 acres.
- (B) Setbacks: Solar energy facilities shall have a minimum setback of the underlying zoning district. This applies to the edge of any solar collectors or mechanical equipment related to solar energy systems. Power inverters, transformers, and other related equipment related to the inversion of power shall have a setback of fifty (50) feet from all properties lines.
- (C) Height of collector: Height of ground mounted collectors and mounts shall not exceed twenty (20) feet in height when oriented to maximum tilt.
- (D) Airports: Any solar energy facility proposed within a two (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 normal operation of aircraft in the area.

- (E) Fencing: A security fence at a minimum height of eight (8) feet, or a combination of six (6) feet of fence fabric and one (1) foot or more extension utilizing three-strand barbed wire, with a gate and locking mechanism shall enclose the perimeter of the solar energy system to deny access to any individuals not authorized to be on the property and for public safety.
- (F) Buffer: Areas that abut residentially zoned or residential uses shall be buffered by one or a combination of the following:
  - i. A double row of off-set evergreens absent mature vegetation, installed at a height of five (5) feet achieving opaqueness and a minimum height of 10 feet in five (5) years.
  - ii. On-site mature vegetation existing at a minimum height of ten (10) feet and a depth of seventy-five (75) feet between the on-site security fence and adjacent properties or right-of-way.
  - iii. A single row of evergreens in combination with mature vegetation installed at a height of five (5) feet achieving opaqueness and a minimum height of ten (10) feet in five (5) years.
- (G) Decommissioning: The applicant shall submit a decommissioning plan that, based on the best available information at the time of the application, contains the following:
  - i. the name, address, telephone number, and e-mail address of the person(s) or entity(ies) responsible for implementing the decommissioning plan;
  - ii. a statement of conditions that require the decommissioning plan to be implemented;
  - iii. as part of decommissioning, a removal plan that (a) identifies all structures, components, and non-utility owned equipment that shall be removed, and (b) includes a plan for recycling or otherwise reusing all materials to the extent reasonably practicable; and
  - iv. as part of decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate to the designated land use after the SES is removed, including a tree restoration plan to restore the original tree cover with similar tree types and numbers after the system is decommissioned.
- (H) Appeals: [RESERVED]




SECTION 2. This Ordinance shall become effective immediately upon its adoption.

SECTION 3. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

  
MAYOR PRO TEM

ATTEST:

  
CITY CLERK

Adopted: Sept 25, 2018

Introduced By Commissioner: Jon Howard  
Date(s) read: Sept 25, 2018