STATE OF GEORGIA
DEKALB COUNTY
CITY OF DORAVILLE

ORDINANCE 2021-__ (A-21-30)

AN ORDINANCE TO AMEND CHAPTER 23, THE ZONING ORDINANCE, TO CREATE REGULATIONS GOVERNING THE INSTALLATION AND DESIGN OF SOLAR ENERGY SYSTEMS

WHEREAS: The Mayor and Council of the City of Doraville ("City Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Doraville; and

WHEREAS: It is in the best interest of Doraville, Georgia to facilitate the siting, construction, installation, and decommissioning of solar energy systems (SESs) and energy storage systems (ESSs) in Doraville in a manner that encourages local economic development and protects the health, safety, and welfare of the citizens of Doraville, and at the same time mitigates any adverse impacts to wildlife, agricultural lands, forests, and other natural landscapes; and

WHEREAS: The intent of Doraville is to increase energy security and diversify the energy portfolio, to promote the use of Georgia-based energy resources, to decrease the cost of energy, to bolster local economic development and employment prospects, to increase consumers' choices in energy consumption, to encourage the use of a renewable energy resource, to support Doraville's sustainability agenda, and to reduce air and water pollution; and

WHEREAS: The intent of Doraville is not to compromise or contradict the health, safety, or environmental requirements contained in other federal, state, and local laws, nor is it to create heightened standards for the siting, construction, installation, and decommissioning of SESs that would discriminate against SESs relative to other similar commercial, industrial, or utility projects within Doraville; and

WHEREAS: A duly noticed public hearing was held;

NOW THEREFORE, the Mayor and Council of the City of Doraville, Georgia hereby ordain:

Section 1: That Sec. 23-1711 shall be added to Chapter 23, Article XVII, and shall read as follows:

(a) Definitions.

Solar Energy System (SES) means 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 this section, 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. This excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

Integrated Solar Energy System means 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 facade, skylight, shingles, canopy, light, or parking meter.

Rooftop Solar Energy System means an SES that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an Integrated SES.

Auxiliary Solar Energy System (Auxiliary SES) means an SES consisting of a single photovoltaic panel which serves as a dedicated power source for a single device or piece of equipment.

Ground Mounted, Pole Mounted, or Freestanding Solar Energy System means 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.

The *Footprint* of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning 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.

Ground Mounted SESs shall be delineated by size as follows:

Small Scale Ground Mounted Solar Energy System (Small Scale SES) means a Ground Mounted SES with a Footprint of less than one (1) acre.

Large Scale Ground Mounted Solar Energy System (Large Scale SES) means a Ground Mounted SES with a Footprint of more than one (1) acre.

Battery energy storage system means one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

(b) Permitted uses by zoning district.

	Residential (R-1, R-2, R-3, R-4, R-CH, RSFA)	**Commercial (C-1, C-2)**	**Office (O-I, O-W)**	**Industrial (M-1, M-2)**	**Transect (T-3, T-4, T-5, T-6, and Special Districts)**
Accessory Use					
Integrated SES	P	P	P	P	P
Rooftop SES	P	P	P	P	P
Auxiliary	P	P	P	P	P
Small Ground Mounted	CUP	CUP	CUP	P	CUP

Battery Energy Storage Systems	P	P	P	P	P
Principal Use					
Small Ground Mounted	X	X	X	P	CUP
Large Ground Mounted	X	X	X	CUP	X
P: Permitted. The SES is allowed in this district. **CUP**: Conditional Use Permit required. **X**: Prohibited.					

(c) Applicability.

(1) This article applies to the siting, construction, installation, and decommissioning of any new SES to be constructed or installed after [the effective date of this ordinance] within the jurisdiction of Doraville. This article shall not apply to the temporary placement of portable photovoltaic panels.

(2) Any SES that, prior to November 17, 2021:

i. Is in operation; OR

ii. Is being lawfully sited, constructed, or installed; OR

iii. Has caused the incurrence of substantial liabilities relating to siting, construction, or installation;

shall be exempt from complying with this section, unless the surface area of an Integrated SES or Rooftop SES or the Footprint of a Ground Mounted SES is increased by more than 5% after November 17, 2021.

(3) Unless otherwise expressly stated herein, an SES shall comply with all applicable federal, state, and local laws, including the requirements of the Doraville zoning code and applicable building, fire, electric, and plumbing codes.

(d) Requirements for integrated solar energy systems.

(1) *Solar Access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Integrated SES adequate exposure to sunlight.

(2) *Tree Removal.* The removal of trees or natural vegetation for an Integrated SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of Article IX, Tree Protection Plan and Permit Requirements. Applicant must submit an Arborist Photovoltaic Tree Affidavit stating whether any trees will be removed or pruned for the installation of the system.

(3) *Posting of Line Diagram and Additional Markings.* Line diagram must be posted at location of service equipment in addition to applicable safety markings required by the National Electrical Code and all relevant codes and ordinances.

(e) Requirements for rooftop solar energy systems.

(1) *Solar Access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring the Rooftop SES adequate exposure to sunlight.

(2) *Tree Removal.* The removal of trees or natural vegetation for a Rooftop SES shall be avoided to the extent reasonably practicable and shall comply with the requirements of Article IX, Tree Protection Plan and Permit Requirements. Applicant must submit an Arborist Photovoltaic Tree Affidavit stating whether any trees will be removed or pruned for the installation of the system.

(3) *Height.* A Rooftop SES shall be given an equivalent exemption, if any, to within an additional six (6) feet of the applicable zoning district's height restrictions 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.

(4) *Roof Edge Setbacks.* A Rooftop SES shall be installed with a setback of at least 3' from the roof edge for fire safety purposes.

(5) *Posting of Line Diagram and Additional Markings.* Electrical line diagram must be posted at location of service equipment in addition to applicable safety markings required by the National Electrical Code and all relevant codes and ordinances.

(f) General requirements for all ground mounted solar energy systems.

The following requirements apply to all Ground Mounted SESs, in addition to the specific requirements in this article that apply to Large Scale SESs.

(1) *Solar Access.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring a Ground Mounted SES adequate exposure to sunlight.

(2) *Impervious Surface.* Ground mounted structures and components of the Ground Mounted SES, including panels, transformers and foundations, shall be considered pervious if they maintain sheet flow and allow for water to infiltrate under and around them through a pervious surface and into the subsoil.

(3) *Lighting.* To reduce light pollution, lighting of a Ground Mounted SES shall:

i. Be limited to the minimum reasonably necessary for its safe operation; and

ii. Be directed downward where reasonably feasible; and

iii. Incorporate full cut-off fixtures; and

iv. Reasonably utilize motion sensors.

(4) *Tree Removal.* The removal of trees or natural vegetation for a Ground Mounted SES shall be avoided to the extent reasonably practicable and shall comply with Article IX. Tree Protection Plan and Permit Requirements.

(5) *Posting of Line Diagram and Additional Markings.* Electrical line diagram must be posted at location of service equipment in addition to applicable safety markings required by the National Electrical Code and all relevant codes and ordinances.

(g) Decommissioning.

Unless otherwise approved by the Doraville Department of Planning and Community Development, decommissioning shall begin no later than 12 months after a Ground Mounted SES has ceased to generate electricity or thermal energy. Within 6 months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use.

(h) Specific requirements for large scale solar energy systems.

The following requirements apply to Large Scale SESs, in addition to the general requirements in this article that apply to all Ground Mounted SESs.

(1) *Setbacks.* A Large Scale SES shall comply with the following setback requirements:

i. The Large Scale SES shall be located no closer than the lesser of (a) 15 feet from any property line, or (b) the required setback for the applicable zoning district, if any; and

ii. The Large Scale SES shall be located no closer than the lesser of (a) 20 feet from any public right-of-way, or (b) the required setback for the applicable zoning district, if any; and

iii. The Large Scale SES shall be located no closer than 100 feet from any residential dwelling unit on an adjacent lot.

(2) *Visual Buffers.* A Large Scale SES shall have, to the extent reasonably practicable, a visual buffer of natural vegetation that provides a reasonable visual and lighting screen to reduce the view of the SES from residential dwelling units on adjacent lots (including those lots located across a public right-of-way). The existing natural tree growth and natural land forms along the SES perimeter may create a sufficient buffer and shall be preserved when reasonably practicable. Any visual buffer must be established and maintained in accordance with the most recent visual buffer plan approved by the Doraville Department of Community Development.

(3) *Signage.* A Large Scale SES:

i. Shall display signs (a) stating the risks that may result from contact with a Large Scale SES, (b) identifying the owner or operator of the Large Scale SES, and (c) providing a 24-hour emergency contact phone number; and

ii. Shall comply with the requirements of the applicable zoning district for displaying any advertisement; and

iii. May have signs that contain educational information about the Large Scale SES.

(i) Specific requirements for battery energy storage systems.

(1) Battery energy storage systems must be installed in non-habitable spaces such as utility rooms, garages, storage rooms or on the exterior of a building.

(j) Permit application.

The installation of any SES or energy storing system following [date of the ordinance] must apply for an obtain a permit. The permit application for an SES must comply with the permit requirements of Sec. 5-7. Permits. In addition to the requirements of Sec. 5-7, any permit application for a rooftop SES must submit:

For Residential:

(1) A Residential Building Permit Application

(2) State of Georgia Electrical Contractor License and Business License

(3) Electrical One-Line Diagram: This is a line drawing, which shows the components of the system, and their relationship to each other in the installation. This is not a scaled drawing, but is merely a conceptual representation of the system design used to verify compliance.

(4) Layout of Solar Array (location and number of panels)

(5) Equipment List with Make and Model

(6) Energy Storage with Line Drawing

(7) North American Board of Certified Energy Practitioners (NABCEP) letter confirming the roof can carry the required load.

(8) Arborist Photovoltaic Tree Affidavit stating whether any trees will be removed or pruned for the installation of the system. Removal of any trees will require the review by the City Arborist.

For Commercial: All residential requirements with the exception of the Residential Building Permit; further, the items below are required:

(1) Commercial Building Permit Application

(2) Letter from a professional structural engineer.

(3) Stamped line drawing from a professional engineer.

Section 2: This Amendment shall become effective immediately upon its adoption by the City Council. This Amendment hereby repeals any and all conflicting ordinances and amendments.

Waived	November 17, 2021
_____	_____
First Reading	**Second Reading**

So effective this ____ day of _____, 2021.

Approved by: Approved as to Form

_____ _____
Joseph Geierman, Mayor Cecil McLendon, City Attorney

So signed and witnessed this _____day of _____, 2021

Attest:

_____
Arika Birdsong-Miller, City Clerk SEAL