

Decatur County Solar Energy Systems Regulations

Section 1.01: Purpose

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

Section 1.02: Applicability

- (a) These regulations apply to the siting, construction, installation, and decommissioning of any new Solar Energy System to be constructed or installed after the effective date of this ordinance within the jurisdiction of Decatur County, Georgia.
- (b) Any solar energy system that, prior to the effective date of this ordinance:
 - (1) Is in operation; or
 - (2) Has obtained the approval of the County Commission of Decatur County, Georgia

shall be exempt from complying with this ordinance, unless the surface area of a Solar Energy System or the Footprint of a Ground Mounted Solar Energy System is increased by more than 25% after the effective date of this ordinance.

Section 1.03: Definitions

- (a) “Energy Storage System” means a device that reserves electrical energy for later consumption or distribution.
- (b) “Ground Mounted Solar Energy System” shall mean a solar energy system that is structurally mounted to the ground and is not incorporated into a building or used in the place of traditional building components for a house or building or attached to a parking meter, light, or traffic device.
 - 1. The “Footprint” of a Ground Mounted Solar Energy System is calculated by drawing a perimeter around the outermost solar energy system panel and any equipment necessary for the functioning of the solar energy system, including but not limited to inverters, transformers, power conversion units, and any energy storage systems. The Footprint does not include any buffer, perimeter fencing, or interior, private roads. Transmission lines, switchyards, and any electricity substations required to connect the solar energy system to a utility or a consumer outside of the Solar Energy System perimeter shall not be included in calculating the Footprint.
- (c) “Non-Participating Parcel” means a parcel abutting a Ground Mounted Solar Energy System that is not owned by the owner of the Ground Mounted Solar Energy System, the lessor of property on which the Ground Mounted Solar Energy System is located, or any owner of the lessor of property on which the Ground Mounted Solar Energy System is located. For purposes of this definition, a parcel is not abutting a Ground Mounted Solar Energy System if it is located across the street from any parcel where the Ground Mounted Solar Energy System located; the definition of the term “street” is incorporated by reference from the Decatur County Land Development and Construction Regulations as those regulations were in effect on the effective date of this ordinance.

- (d) “Residential Structure” means a structure, whether single-family or multi-family, that is designed for, and is capable of, human occupation as a dwelling.
- (e) “Solar Energy System” means a device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, storage, or transmission, or for thermal applications. For purposes of this ordinance, a solar energy system refers only to (1) photovoltaic solar energy systems 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.
- (f) Any terms not otherwise defined herein shall be given their normal and ordinary usage.

Section 1.04: General Requirements

The following requirements shall apply to all Ground Mounted Solar Energy Systems:

- (a) **Setbacks.** The Footprint shall be setback a minimum of 15 feet from all property lines and 100 feet from any Residential Structure located on a Non-Participating Parcel.
- (b) **Placement.**
 - 1. At the time of construction, no inverters, transformers, power conversion units, energy storage systems, substations, or switchyards shall be located in areas designated Areas of Special Flood Hazard in the Flood Insurance Rate Map of Decatur County, Georgia that was in effect on the effective date of this ordinance. If any photovoltaic panels are located in an Area of Special Flood Hazard, such photovoltaic panels shall be installed such that lowest point of the panel is at least one foot above base elevation.
 - 2. No Solar Energy System shall be located over a septic system or leach field area unless approved by the Health Department of Decatur County, Georgia.
- (c) **Installation Requirements.**
 - 1. Components of a Solar Energy System shall be mounted and installed in accordance with applicable building and electrical codes.
 - 2. Excluding any overhead lines, substations, or switchyards, no Ground Mounted Solar Energy System shall exceed 25 feet in height as measured from the grade at the base of a structure to the highest point of that structure.
- (d) **Lighting.** Lighting shall be limited to what is necessary for safe operation and security and be directed downward where reasonably feasible.
- (e) **Noise.** Inverter noise shall be no greater than 40 dBA, as measured from a receptor’s Residential Structure on a Non-Participating Parcel.
- (f) **Interconnection.** Prior to connecting to any electric transmission lines operated by the Integrated Transmission System, the Georgia Transmission Corporation, Georgia Power Company, a local electric membership cooperative, or any member of the Municipal Electric Authority of Georgia, the owner of a Ground Mounted Solar Energy System shall provide evidence to the Planning Department that the applicable utility has been informed of the Solar Energy System owner’s intent to connect to the applicable electrical lines. For the avoidance of doubt, this requirement shall not be a pre-condition to the issuance of a Solar Energy System Permit.
- (g) **Security.** The Footprint of a Solar Energy Facility shall be enclosed by a security fence no less than 6 feet nor no greater than 8 feet in height.

- (h) **Decommissioning.** Unless otherwise approved by the Planning Division of Decatur County, Georgia, decommissioning shall begin no later than 12 months after a Ground Mounted Solar Energy System has ceased to generate electricity or thermal energy. For purposes of this provision, temporary cessation of electricity generation for a period of less than 12 months would not trigger any decommissioning requirements. The Solar Energy System shall be decommissioned in accordance with the most recent decommissioning plan for that Solar Energy System that has been submitted to the Planning Department.

Section 1.05: Solar Energy System Permit

- (a) The Planning Division shall review and approve of any applications for a Solar Energy System Permit, which shall include the following
1. The address and/or parcels of property on which the Solar Energy System will be located.
 2. The applicant's name, address, telephone number, and email address.
 3. The property owner's name, address, telephone number, and email address, if applicable.
 4. If the property owner is different from the applicant, evidence that the applicant has sufficient control of the property to construct a Solar Energy System.
 5. A preliminary, conceptual site plan illustrating the location of any principal building, structures, and proposed location of a Solar Energy System as well as setbacks and fencing required by this ordinance.
 6. A decommissioning plan, if applicable, that identifies the name, address, telephone number, and email address of the person(s) or entity(ies) responsible for implementing the decommissioning plan. The decommissioning plan shall contain the applicant's calculation of the estimated amount, if any (the "Net Removal Cost"), by which the cost of removing the Solar Energy System at the end of its useful life exceeds the salvage value of the Solar Energy System at the end of its useful life.
- (b) The Planning Division's review and approval of such applications will be based on whether the applicant meets the criteria in Section 1.04.
- (c) If the applicant seeks to apply for a variance from any of the provisions contained in this ordinance, the applicant shall file the application referred to in section (a) above with the County Commission along with its rationale for any departures from this ordinance. In a public meeting, the County Commission shall determine whether (1) to grant any such variances and (2) to review and approve such application for a Solar Energy System Permit.
- (d) Prior to the issuance of any building permit for the Solar Energy System by the Planning Division, the applicant shall present evidence that security in the amount of the Net Removal Cost specified in the decommissioning plan will be in place. The security may be in the form of a surety bond, letter of credit, parent/corporate guarantee, or other financial instrument of the applicant's choosing. In the event that the applicant is the owner of the property where the Solar Energy System will be located, the security shall be payable to Decatur County, Georgia and conditioned upon the faithful performance of the decommissioning plan.
- (e) Within 30 days of a change of ownership of a Solar Energy System, the new owner of the Solar Energy System shall notify the Planning Division of the transfer of the Solar Energy System Permit and shall assume all responsibilities contained with the Permit.