

Text Amendments to Oglethorpe County UDC
August 23, 2021

Defining Residential Solar Arrays

Purpose. To allow for the current citizen demand for smaller solar arrays in a Single-Family Residential zoning designation.

Section 712.01 Intent

The purpose of this ordinance is to promote the creation of, and to provide for the regulation of, ground-mounted solar photovoltaic installations (hereinafter referred to as 'Solar Farms') by providing standards for the placement, design, construction, operation, monitoring, and modification of such installations that address public safety and minimize impacts on scenic, natural and historic resources.

As set forth herein, the term 'Large Scale Solar Farms' refers to ground-mounted solar photovoltaic installations with 5 megawatts ('MW') or larger of rated nameplate capacity. The term 'Small Scale Solar Farms' refers to ground-mounted solar photovoltaic installations with less than 5 MW of capacity. The term 'Residential Solar Array' refers to ground-mounted or roof-mounted solar photovoltaic installations with 10 kilowatts ('kW') or less of capacity.

The provisions set forth in this section shall apply to the construction, operation, modification and /or removal of both Large Scale Solar Farms, ~~and~~ Small Scale Solar Farms, and Residential Solar Arrays as indicated.

Section 712.04 Permitted and Conditional Uses

- a) Large Scale Solar Farms may be authorized as a Conditional Use in the A-1 and A-2 zoning districts, if approved by the Board of Commissioners, as specified in the Amendments Section of this Development Ordinance and subject to the compliance with the applicable requirements set forth in this Section 712.
- b) Small Scale Solar Farms are hereby authorized as permitted uses in the A-1, A-~~2~~ and A-R zoning districts, without the necessity of approval by the Board of Commissioners, but subject to compliance with the applicable requirements as set forth in this Section 712.
- b)c) Residential Solar Arrays are hereby authorized as permitted uses in the A-1, A-2, A-R, and R-1 zoning districts without the necessity of approval by the Board of Commissioners, but subject to compliance with the applicable requirements set forth in this Section 712.

Section 712.05 Utility Notification

No Large Scale Solar Farm shall be approved as a conditional use, and no building permit shall be issued for a Small Scale Solar Farm or Residential Solar Array, unless written evidence has been submitted to the Planning Department demonstrating that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 712.11 Landscape Plan

- a) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the solar farm and per practices of best management of natural areas or good husbandry of the land or forest otherwise prescribed by applicable laws, regulations, and ordinances.
- b) The Applicant for conditional use, in the case of Large Scale Solar Farm, or the Applicant for building permit, in the case of a Small Scale Solar Farm or Residential Solar Array, shall submit to the Planning Department, along with such application, a landscape plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting and screening and mitigation vegetation or structures.
- c) Lighting at a solar farm shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar farm shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
- d) The landscape plan must demonstrate that dwellings will be visually screened from the solar farm project through any one or a combination of the following: location, distance, plantings, existing vegetation and fencing.
- e) Appropriate vegetated buffers and/or plantings may be required to limit the visual impact of the solar farm site and possible glare issues.
- f) Sound mitigation barriers may be required for noise mitigation around all inverter and transformer skid pads. Such barriers shall be approved on an individual basis by the Planning Department.
- g) All solar farms shall comply with the applicable buffer and screening requirements set forth in the Specific Provisions Section of this Development Ordinance. For Small Scale Solar Farms, the side and rear yard buffer requirements set forth in Section 711.03 shall also be applicable to the front yards thereof. In addition, the height of a landscaped buffer strip or a landscaped wall/fence buffer for a Small Scale Solar Farm or ground-mounted Residential Solar Array shall be equal to the height of the highest solar panel on such Small Scale Solar Farm or ground-mounted Solar Array plus 6 inches, except at locations where such height would interfere with applicable visibility requirements set forth in this Ordinance.
- h) The Planning Department shall have the authority to impose any additional buffer requirements for a Small Scale Solar Farm or Residential Solar Array which it deems necessary to protect residential areas in the vicinity of such Small Scale Solar Farm or Residential Solar Array from the effect thereof. The Board of Commissioners shall have the authority to impose a condition of approval of a conditional use application for a Large Scale Solar Farm any additional buffer requirements for a Large Scale Solar Farm m which it deems necessary to protect residential areas in the vicinity of such Large Scale Solar Farm from the effects thereof.

Section 712.12 Insurance

- a) The owner/operator shall maintain no less than \$100,000 of liability insurance coverage for any damage or injury caused by the solar farm and the operation and installation thereof.

- b) The applicant shall submit to the Planning Department a certificate of insurance demonstrating the required insurance coverage prior to the issuance of the conditional use permit, for a Large Scale Solar Farm, or prior to the issuance of a building permit, for a Small Scale Solar Farm or Residential Solar Array.

Allowing for Residential Solar Arrays in some Residential Districts

Purpose. To allow residential solar arrays as a permitted use in some zoning districts that allow for a single family detached dwelling. Since the demand is within the R-1 (Single Family Residential) and due to the lack of R-2 (Double-Family Residential) and R-3 (Multi-Family Residential) zoned property within the county, the intent is to only allow residential solar arrays within the A-1, A-2, AR, and R-1 districts.

Section 500.07 Permitted Uses

In the A-1 Intensive Agricultural District, the following uses are permitted:

- a) Intensive agricultural uses including, but not limited to, dairy farms, hog farms, farrowing houses, animal containment structures, including poultry/chicken houses (both for broilers and layers) and related waste storage/handling structures, livestock feedlots or holding lots, and accessory buildings and uses customarily incidental to the intensive agricultural operation such as waste lagoons, basins or pits, stackhouses, barns, sheds, and storage structures directly related to the agricultural use.
- b) Livestock Sales Pavilion, provided any structures used for such sales shall be located no closer than one hundred (100) feet to any side or rear property line or four hundred (400) feet to any adjacent residence under separate ownership, and adequate off-street parking shall be provided at the site. Such use shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- c) Wholesale and retail sales of agricultural products raised on the property. Adequate off-street parking must be provided at the site. Any structures used for such sale shall not be located closer than one hundred (100) feet to any side or rear property line or two hundred (200) feet to any existing adjacent residence under separate ownership. The sale of said products and commodities shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- d) Single-family detached dwelling or individual manufactured housing (Class A, B, or C) used as single-family dwelling in accordance with Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.
- e) Home occupations in accordance with the provisions of Specific Provisions Section of this Development Ordinance.
- f) Small scale solar farms in accordance with the Specific Provisions Section of this Development Ordinance.
- f)g) Residential solar arrays in accordance with the Specific Provisions Section of this Development Ordinance.

Section 501.06 Permitted Uses

In the A-2 General Agricultural District, the following uses are permitted:

- a) Single-family detached dwelling or Individual manufactured housing ("Class A, B, or C") used as single-family dwellings in accordance with the Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.
- b) Conservation Subdivisions as specified in the Subdivisions Section of this Development Ordinance.
- c) Agricultural uses including food or fiber crop production, horticulture, commercial timber production, commercial greenhouses and nurseries (wholesale and retail), livestock pastures and ranges, along with customary accessory buildings and uses, provided that no structure, excluding fences, for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or four hundred (400') feet of any existing adjacent residence under separate ownership.
- d) Animal containment limited to the following:
 - 1) Cattle or horses may be confined in a non-vegetative area at a maximum rate of 100 animal units for up to 120 days for not more than two times per year, provided that no structure for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or four hundred (400') feet of any existing adjacent residence under separate ownership, without a written waiver from adjacent property owner;
 - 2) Other farm animals, including horses, may be confined in a non-vegetative area at a maximum rate of 5 animal units for up to 120 days for not more than two times per year, provided that no structure for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence under separate ownership, without a written waiver from adjacent property owner.
- e) Wholesale and retail sales of agricultural products raised on the property. Adequate off-street parking must be provided at the site. Any structures used for such sale shall not be located closer than one hundred (100') feet to any side or rear property line or two hundred (200') feet to any existing adjacent residence under separate ownership. The sale of said products and commodities shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- f) Livestock Sales Pavilion, provided any structures used for such sales shall be located no closer than one hundred (100') feet to any side or rear property line or four hundred (400') feet to any existing adjacent residence under separate ownership, and adequate off-street parking shall be provided at the site. Such use shall not adversely affect existing adjacent residential uses or impede traffic in the area.
- g) Commercial or private riding stables and academies, provided that no structure for keeping horses is located closer than to any one hundred (100') feet to any side or rear property line or

four hundred (400') feet to any existing adjacent residence under separate ownership. No other structure or facilities, including, but not limited to show/training rings or jumps shall be located closer than fifty (50') feet to any side or rear property line. Adequate off-street parking must be provided at the site. The operation of said stable or academy shall not adversely affect existing adjacent residential uses or impede traffic in the area.

- h) Temporary and Portable Sawmills, in accordance with the provisions of Exceptions Section of this Development Ordinance, and provided that the mill and storage areas are not located closer than six hundred (600') feet to any existing adjacent residential district or use other than that of the owner of the timber being harvested. Operation of said sawmill must be in compliance with the Oglethorpe County Noise Ordinance.
- i) Home occupations in accordance with the provisions of Specific Provisions Section of this Development Ordinance.
- j) Publicly owned and operated parks and recreational areas.
- k) Small Scale Solar Farms as specified in the Specific Provisions Section of this Development Ordinance.
- k) Residential solar arrays in accordance with the Specific Provisions Section of this Development Ordinance.

Section 502.03 Permitted Uses

The following uses are permitted in the A-R Agricultural/Rural Residential District:

- a) Single-family detached dwellings or individual "Class A" Manufactured Housing used as single-family dwellings in accordance with Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.
- b) Conservation Subdivisions as specified in the Subdivisions Section of this Development Ordinance.
- c) Home occupations in accordance with the provisions of the Specific Provisions Section of this Development Ordinance.
- d) Small-scale agricultural uses including horticulture and the raising of farm animals including horses, provided that there is at least two acres and that no structures housing animals, feed, or other odor or dust producing substance shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence without a written waiver from adjacent property owner. The sale on the premises of such animals, vegetables, fruits, plants, or other produce grown, raised, or produced on the premises as part of a permitted Home Occupation in the accordance with the provisions of the Specific Provisions Section of this Development Ordinance .
- e) Animal containment limited to the following: farm animals, including horses, may be confined in a non-vegetative area at a maximum rate of 5 animal units for up to 120 days for not more than two times per year, provided that there is sufficient acreage and that no structure for the keeping of animals or storage or handling of odor or dust producing substances shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of

any existing adjacent residence under separate ownership, without a written waiver from adjacent property owner and no animals shall be kept on lots less than 2 acres.

f) Publicly owned and operated parks and recreational areas

g) Small Scale Solar Farms as specified in Specific Provisions Section of this Development Ordinance.

~~g)h)~~ Residential solar arrays in accordance with the Specific Provisions Section of this Development Ordinance.

Section 503.03 Permitted Uses

The following uses are permitted in the R-~~1~~ Single-Family Residential District:

a) Single-family detached dwellings or individual "Class A" Manufactured Housing used as single-family dwellings in accordance with Specific Provisions Section of this Development Ordinance, along with customary accessory buildings and uses.

b) Home occupations in accordance with the provisions of Specific Provisions Section of this Development Ordinance.

c) Horticulture, and the sale on the premises of such vegetables, fruits, plants, or other produce grown, raised, or produced on the premises as part of part of an approved home occupation in accordance with the provisions of the Specific Provisions Section of this Development Ordinance.

d) The raising of horses and other farm animals on lots containing a minimum of two (2) acres and at the rates specified herein, provided that no structures housing animals, feed, or other odor or dust producing substance shall be located within one hundred (100') feet of any side or rear property line or two hundred (200') feet of any existing adjacent residence without a written waiver from adjacent property owner. The sale on the premises of such animals and/or animal products grown, raised, or produced on the premises as part of a permitted Home Occupation in the accordance with the provisions of Specific Provisions Section of this Development Ordinance.

- Livestock and horses (excluding rabbits, chickens, turkeys, quail and other small fowl) shall be limited to one (1) animal per twenty thousand (20,000) square feet.

- Rabbits, chickens, turkeys, quail and other small fowl shall be limited to five (5) animals per twenty thousand (20,000) square feet.

e) Publicly owned and operated parks and recreational areas.

~~e)f)~~ Residential solar arrays in accordance with the Specific Provisions Section of this Development Ordinance.