

PROPOSED ORDINANCE NO. 13-___

AN ORDINANCE BY THE CITY OF VIENNA TO AMEND THE CODE OF ORDINANCES OF VIENNA, GEORGIA, TO PROVIDE FOR PHOTOVOLTAIC SOLAR ENERGY PRODUCTION FACILITIES AS A SPECIAL EXCEPTION USE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council of the City of Vienna, Georgia, previously adopted a Zoning Code pursuant to and in accordance with the guidelines of the Georgia General Enabling Act of 1957, as amended; and

WHEREAS, the Mayor and City Council of the City of Vienna desires to effectuate and amend its Zoning Code to provide for photovoltaic solar energy production facilities ("PSEPF") as special exception uses; and

WHEREAS, the zoning commission, after proper advertisement and a quorum being present, conducted a public hearing on August 27, 2013, as to the issue of amending the Zoning Code to provide for photovoltaic solar energy production facilities as a special exception uses within agricultural-residential zoned districts; and

WHEREAS, the zoning commission by unanimous vote has made written recommendation to the Mayor and City Council of the City of Vienna to amend the Zoning Code to provide for photovoltaic solar energy production facilities as special exception uses within agricultural-residential zoned districts; and

WHEREAS, the Mayor and City Council of the City of Vienna in regular session with a quorum being present, does ordain and provide:

NOW THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Vienna, Georgia:

The Code of Ordinances of the City of Vienna is hereby amended by adding Sec. 82-129(c)(14), and by adding Sec. 82-101, to be as follows:

"Sec. 82-129. Agricultural-Residential District.

...

(c) special exception uses

...

(14) photovoltaic solar energy production facilities.”

“Sec. 82-101. Photovoltaic solar energy production facilities; restrictions and conditions.

Photovoltaic solar energy production facilities shall be allowed only in agricultural-residential zoning districts as a special exception use and shall be subject to the following restrictions and conditions:

- (a) Area of use may not exceed one hundred (100) acres onsite with no aggregation of solar collection panels on adjacent properties which exceeds one hundred (100) acres; and
- (b) Solar energy production facilities shall adhere to the setback and height requirements of the agricultural-residential district in which they are located and shall be fenced using a minimum of three (3) strand barbed wire fencing with “Danger - High Voltage” warning type signs attached to said fencing at intervals of not more than one hundred (100) feet; and
- (c) Solar energy production facilities shall be visually screened from abutting residential properties through any one or combination of the following: (1) plantings; (2) existing vegetation; or (3) fencing not to exceed eight (8') feet in height; and
- (d) The manufacturers’ or installers’ identification, the facility owner’s name and contact information, and the appropriate warning signage shall be posted on or near the panels in a clearly visible manner and on the required fencing; and
- (e) All electrical interconnection and distribution lines within the project boundary, except for power lines that leave the project or are within the substation shall be underground unless otherwise determined by the Mayor and City Council of the City of Vienna because of severe environmental constraints; and
- (f) Lighting of the solar energy production facility and accessory structures shall be limited to the minimum necessary and shall not be directed at residential structures on abutting property existing as of the date of construction of said facility; and
- (g) Professional Engineer drawings that clearly illustrate the design of the solar energy production facility shall be submitted as part of the special exception use application package. The Planning and Zoning Commission of the City of Vienna may apply aesthetic consideration when making recommendation to the Mayor and City Council of the City of Vienna for approval or disapproval; and
- (h) Any solar energy production facility that has not been in use for its original purpose for a period of one hundred eight (180) days as determined by records of the production facility owner, property owner, or City of Vienna shall be deemed to be abandoned. The solar energy production facility owner and/or the property owner shall have ninety (90) days to remove the abandoned solar energy system and any appurtenant structures or to reactivate the solar energy system; and
- (i) The Planning and Zoning Commission of the City of Vienna may, in its discretion, recommend to the Mayor and City Council of the City of Vienna to waive any of the above listed conditions or may recommend that additional and appropriate conditions and safeguards in

conformity with this Ordinance be prescribed in order to mitigate the impact of the use to surrounding uses and to otherwise protect public health, safety, and general welfare. Violation of each such condition and safeguard, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance. Each day such violation occurs shall be considered a separate and distinct violation of this Ordinance.”

Repealing Clause

All Ordinances or resolutions of the Mayor and City Council of the City of Vienna, Georgia, that conflict with the provisions of this ordinance shall be, and the same are hereby repealed and rescinded, but only to the extent of such conflict.

Severability

If any provision of this ordinance is determined by a Court of competent jurisdiction to be invalid or otherwise enforceable, such findings shall not effect the other provisions hereof, which shall remain in full force and effect.

The First Reading of Ordinance: September 9, 2013
The Second Reading of Ordinance: September 23, 2013

The adoption date of this Ordinance is September 23, 2013.

The effective date of this ordinance is September 23, 2013.

ORDAINED by the Mayor and City Council of the City of Vienna this ____ day of September, 2013.

ATTEST:

By: _____
City Clerk

Mayor: _____
City of Vienna

(AFFIX CITY SEAL)

Approved as to Form
City Attorney

Verlin L. Jones, Jr.