

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO. _____

1 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF
2 STONECREST, GEORGIA, BY AMENDING ARTICLE 4(USE
3 REGULATIONS) AND ARTICLE 9(DEFINITIONS) WITHIN CHAPTER
4 27 (ZONING ORDINANCE); TO PROVIDE SEVERABILITY; TO PROVIDE A
5 PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND
6 RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO
7 PROVIDE FOR OTHER LAWFUL PURPOSES.

8 WHEREAS, the governing body of the City of Stonecrest, Georgia (“City”) is the Mayor
9 and Council thereof; and

10 WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
11 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

12 WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
13 adopt ordinances relating to its property, affairs, and local government; and

14 WHEREAS, the Mayor and Council desire to amend Article 4(Use Regulations) And
15 Article 9(Definitions) Within Chapter 27 (Zoning Ordinance) of the City’s Code; and

16 WHEREAS, from time-to-time amendments may be proposed for public necessity,
17 general welfare, or sound zoning practice that justify such action; and

18 WHEREAS, the Director of Planning and the Planning Commission can recommend
19 approval based on the City Staff Report; and

20 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
21 been properly held prior to the adoption of this Ordinance; and

22 **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will
23 be positively impacted by the adoption of this Ordinance.

24 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
25 **THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:

26 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
27 by amending Article 4(Use Regulations) And Article 9(Definitions) Within Chapter 27 (Zoning
28 Ordinance) by adopting the provisions set forth in Exhibit A attached hereto and made a part by
29 reference.

30 **Section 2.** That text added to current law appears in bold underlined. Text removed from
31 current law appears struck through.

32 **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby
33 incorporated by reference as if fully set out herein.

34 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
35 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
36 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

37 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
38 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
39 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
40 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
41 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually
42 dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 7. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this ____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

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George Turner, Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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EXHIBIT A
(SEE ATTACHED)

ARTICLE 4. - USE REGULATIONS

DIVISION 1. – OVERVIEW OF USE CATEGORIES AND USE TABLE

Revise the Permitted Use Table, Sec. 4.1.3 with regard to brewery and distillery related uses

Brewery and distillery related uses are only permitted with certain commercial, mixed-use and industrial land use categories as shown in the modified use table below. Note brewpubs/Brew Growlers are already listed in the Permitted use table.

	<u>NS</u>	<u>C-1</u>	<u>C-2</u>	<u>M</u>	<u>M-2</u>	<u>MU</u> <u>Districts</u>	<u>See</u> <u>Section</u> <u>4.2</u>
<u>Brewpub/ Beer Growler, accessory</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	
<u>Brewery, Craft</u>		<u>P</u>	<u>P</u>	<u>P</u>		<u>SP</u>	<u>✓</u>
<u>Distillery, Craft</u>		<u>P</u>	<u>P</u>	<u>P</u>		<u>SP</u>	<u>✓</u>
<u>Brewery, Large scale</u>					<u>P</u>		
<u>Distillery, Large scale</u>					<u>P</u>		

Sec. 4.2.63 Craft breweries and Craft distilleries

- A. Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages:**
- B. Shall be a maximum of 20,000 square feet.**
- C. No outdoor public address system shall be permitted**
- D. Production space shall be in a wholly enclosed building.**
-

119 Sec. 4.2.64 Towing Wreckage Service

- 120
- 121 A. Vehicles shall not be stored at tow service properties or automobile recovery and
- 122 storage facilities for a period longer than fourteen (14) days. This provision does not
- 123 apply to vehicle storage yards, used motor vehicle dealerships, used motor vehicle parts
- 124 dealerships, or automobile salvage yards. Records showing the arrival of each vehicle
- 125 at a tow service property or an automobile recovery and storage facility must be kept
- 126 by the owner/operator of a business.
- 127 B. All wrecked or inoperable vehicles shall be drained of all liquids, including but not
- 128 limited to gasoline, diesel, transmission fluid, brake fluid, and engine oil, within forty-
- 129 eight (48) hours of delivery to tow service properties or automobile recovery and
- 130 storage facilities.
- 131 C. Any area of the site used for the short-term storage of cars shall be screened from
- 132 view of the public street with an opaque corrugated metal fence or wall minimum of
- 133 ten feet in height. Chain link and wooden fences along street frontage are prohibited.
- 134 D. The parking area shall be at least 25 feet from the street right-of-way.
- 135 E. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of
- 136 the fence along the public street with at least two rows of trees. All trees shall be a least
- 137 six feet in height and/or two inches caliber, and shall be regularly maintained and
- 138 watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces
- 139 between trees shall be mulched
- 140 F. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of
- 141 the Code of the City of Stonecrest, Georgia are met.
- 142 G. Minimum standards of the Georgia Stormwater Management Manual are met in terms
- 143 of stormwater runoff and water quality.

144 Solar Energy Systems, Sec. 9.1.3

- 145 1. Solar Energy System: Solar Energy System (SES) means a device or structural design
- 146 feature that provides for the collection of solar energy for electricity generation,
- 147 consumption, or transmission, or for thermal applications. For purposes of this
- 148 ordinance, SES refers only to (1) photovoltaic SESs that convert solar energy directly
- 149 into electricity through a semiconductor device or (2) solar thermal systems that use
- 150 collectors to convert the sun's rays into useful forms of energy for water heating, space
- 151 heating, or space cooling. SES as used here excludes concentrated solar power, which
- 152 uses mirrors to focus the energy from the sun to produce electricity. The following are
- 153 the types of permitted SES's:
- 154
- 155 A. Integrated Solar Energy System means an SES where solar materials are
- 156 incorporated into building materials, such that the two are reasonably
- 157 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.

B. 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.

C. Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Stonecrest zoning code, 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 two [2] acres.

▪ Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES) means a Ground Mounted SES with a Footprint of between [2 – 15] acres.

▪ Large Scale Ground Mounted Solar Energy System (Large Scale SES) means a Ground Mounted SES with a Footprint of more than [15] acres.

Sec. 4.2.65 Solar Energy Systems, Principal Use

Principal solar energy systems (SES) shall be subject to the following standards:

A. Permitting. No principal SES shall be constructed without issuance of a building permit except for a repair or modification of an existing SES that does not increase the spatial coverage of the SES by more than ten percent and does not encroach on any required building height or setback limits of the applicable zoning district.

B. UL-approved SES electric components. Electric components shall have an Underwriters Laboratory listing.

C. Height. Principal solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt. Height of ground- or pole-mounted SES shall be computed separately for each unit or structure except power transmission poles or towers.

- 193 D. Setbacks. Ground-mounted or pole-mounted principal SES and supportive buildings and
194 structures except electric transmission poles shall provide a minimum setback of 30 feet
195 from all property lines.
- 196 E. Buffers. All principal SES solar collection units and supportive buildings and structures
197 except electric transmission poles shall be screened from view from public rights-of-way
198 and abutting properties by a 25-foot-wide vegetative buffer that is continuous around the
199 perimeter of the property except for perpendicular crossings of approved driveways and
200 utilities. The vegetative buffer shall provide a visually opaque screen not less than 20 feet
201 in height at maturity.
- 202 F. Security.
- 203 1. The perimeter of the site of a principal SES shall be secured by an eight-foot-tall
204 security fence or wall that is constructed on the inside boundary of the required 25-
205 foot buffer. Driveway entrances shall be gated.
- 206 2. The operator must provide the City Police Department with a 24-hour contact
207 responsible for operations.

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209 **Sec. 4.2.66 Solar Energy Systems, Accessory Use**

- 210 A. Nonresidential. Active solar energy systems shall be allowed as an accessory limited use
211 in all commercial or industrial zoning districts under the following standards:
- 212 1. Roof-mounted solar systems. In addition to the building setback, the collector surface
213 and mounting devices for roof-mounted solar systems shall not extend beyond the
214 exterior perimeter of the building on which the system is mounted or built.
- 215 a. Pitched roof-mounted solar systems. For all roof-mounted systems other than a
216 flat roof the elevation must show the highest finished slope of the solar collector
217 and the slope of the finished roof surface on which it is mounted.
- 218 b. Flat roof-mounted solar systems. For flat roof applications a drawing shall be
219 submitted showing the distance to the roof edge and any parapets on the building.
- 220 c. The underlying zoning district maximum height for these systems shall be
221 complied with.
- 222 2. Ground-mounted solar systems. Ground-mounted solar energy systems shall meet
223 the minimum zoning setback for the zoning district in which located, or 25 feet,
224 whichever is strictest. The height of the structure(s) shall not be taller than 25 feet in
225 height.
- 226 3. Visibility. Active solar systems shall be designed to blend into the architecture of the
227 building or be screened from routine view from public rights-of-way or adjacent
228 residentially-zoned property per the standards of [Chapter 320](#).
- 229 4. Approved solar components. Electric solar system components must have a UL listing.
- 230 5. Plan approval required. All solar systems shall require a limited use approval by the
231 Planning and Zoning Director.

6. Plan applications. Plan applications for solar systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
7. Plan approvals. Applications that meet the design requirements of this section shall be granted administrative approval by the Planning and Zoning Director.
8. Compliance with building code. All active solar systems shall meet approval of the building code.
9. Compliance with electric code. All photovoltaic systems shall comply with the National Electrical Code, current edition.
10. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Development Director that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

B. Residential. An application for a proposed solar collector/energy system located at a residence must meet the following standards as a limited accessory use:

1. All solar energy collectors, whether ground-mounted or mounted on an existing structure, shall meet the minimum accessory structure zoning setbacks for the zoning district in which located. The height of the structure shall not be taller than the maximum allowed height of a structure in the zoning district in which located.

269 **Addition of Solar Energy Systems to the Use Table**

270 **See the following page for district recommendations or modifications to the Permitted Use Table, Sec.**

271 **4.1.3.**

SOLAR ENERGY SYSTEMS (SES)																									
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR 1.2.3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Integrated SES	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	Pa	P a	P a	P a	P a	P a	P a	P a	P a	✓
Rooftop SES	P a	S A	S A	S A	S A	S A	S A	S A	S A	S A	S A	P a	S A	S A	S A	SA	S A	S A	P a	P a	S A	S A	S A	S A	✓
Ground Mounted SES, Small Scale	P a	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	P a	P a	P a	Pa	P a	P a	P a	P a	S P	S P	S P	S P	✓
Ground Mounted SES, Intermediate Scale	S P	S P	S P									S P							P a	P a					✓
Ground Mounted SES, Large Scale	S P	S P										S P							S P	SP					✓

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Revisions to the Zoning Ordinance related to Distillery and Brewery related uses

A. Add definitions of brewery and distillery related uses

Proposal: To clarify the terms and definitions used to describe land uses associated with breweries and distilleries found in Article 9, Definitions, Sec 9.1.3 Defined terms.

Brewpub means any eating establishment which derives at least 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.

Brewery, Craft (also known as micro-brewery) means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 gallons in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

Brewery, Large Scale means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 gallons in a calendar year.

Distillery, Craft (also known as micro-distillery) means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 gallons per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

Distillery, Large-scale means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 gallons per calendar year.

Growler means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

Growler Store means a retail store that sales growlers

Micro brewery, see Craft brewery.

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TMOD-21-016

PLANNING & ZONING STAFF REPORT

MEETING DATE: December 7, 2021

GENERAL INFORMATION

Petition Number: TMOD-21-016

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 4, revisions to supplemental use provisions, including the provisions for Micro-Distilleries, Craft Distilleries, Craft Breweries, Brew Pubs, Beer Growlers Towing and Wreckage Services, and Solar Energy.

FACTS AND ISSUES:

- The Zoning Ordinance permits several uses that need further definition and supplemental use criteria for proper administration.
- Distillery and brewery related uses should be defined by scale of operation and type of customer interaction, making distinction between commercial use and industrial use.
- Towing and Wreckage Services sites should be screened from view similar to how gravel parking lots are to improve community aesthetics
- Solar energy generation as a accessory use does exist in community but there is no definition or regulations regarding their use.

RECOMMENDED ACTION: Recommend approval of TMOD-21-016

ATTACHMENTS:

1. Revisions to the zoning Ordinance related to Distillery and Brewery related uses
2. Revisions to the Zoning Ordinance related to Towing and Wreckage Services
3. Revisions to the Zoning Ordinance with regard to Solar Energy Systems

TMOD-21-016

STONECREST ZONING ORDINANCE UPDATE

1. Revisions to the Zoning Ordinance related to Distillery and Brewery related uses

A. Add definitions of brewery and distillery related uses

Proposal: To clarify the terms and definitions used to describe land uses associated with breweries and distilleries found in Article 9, Definitions, Sec 9.1.3 Defined terms.

Brewpub means any eating establishment which derives at least 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.

Brewery, Craft (also known as micro-brewery) means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 gallons in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

Brewery, Large Scale means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 gallons in a calendar year.

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Distillery, Large-scale means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 gallons per calendar year.

Growler means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

Growler Store means a retail store that sales growlers

Micro brewery, see Craft brewery.

B. Revise the Permitted Use Table, Sec. 4.1.3 with regard to brewery and distillery related uses

Brewery and distillery related uses are only permitted with certain commercial, mixed-use and industrial land use categories as shown in the modified use table below. Note brewpubs/Brew Growlers are already listed in the Permitted use table

	NS	C-1	C-2	M	M-2	MU Districts	See Section 4.2
Brewpub/ Beer Growler, accessory	P	P	P	P		P	
Brewery, Craft		P	P	P		SP	✓
Distillery, Craft		P	P	P		SP	✓
Brewery, Large scale					P		
Distillery, Large scale					P		

C. Add supplemental use regulations regarding Craft Distilleries and Craft Breweries

[NEW, Section number is temporary and to be set after adoption]

Sec. 4.2.63 Craft breweries and Craft distilleries

- A. Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages:
 - B. Shall be a maximum of 20,000 square feet.
 - C. No outdoor public address system shall be permitted
 - D. Production space shall be in a wholly enclosed building.
-

2. Revisions to the Supplemental Use Regulations related to Towing and Wreckage Services

[NEW, Section number is temporary and to be set after adoption]

Sec. 4.2.64 Towing Wreckage Service

- A. Vehicles shall not be stored at tow service properties or automobile recovery and storage facilities for a period longer than fourteen (14) days. This provision does not apply to vehicle storage yards, used motor vehicle dealerships, used motor vehicle parts dealerships, or automobile salvage yards. Records showing the arrival of each vehicle at a tow service property or an automobile recovery and storage facility must be kept by the owner/operator of a business.
- B. All wrecked or inoperable vehicles shall be drained of all liquids, including but not limited to gasoline, diesel, transmission fluid, brake fluid, and engine oil, within forty-eight (48) hours of delivery to tow service properties or automobile recovery and storage facilities.
- C. Any area of the site used for the short-term storage of cars shall be screened from view of the public street with an opaque corrugated metal fence or wall minimum of ten feet in height. Chain link and wooden fences along street frontage are prohibited.
- D. The parking area shall be at least 25 feet from the street right-of-way.
- E. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be at least six feet in height and/or two inches caliber, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.
- F. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met.
- G. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality.

3. Revisions to the Zoning Ordinance related to Solar Energy Systems

A. Add New Definitions related to Solar Energy Systems, Sec. 9.1.3

1. Solar Energy System: 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 ordinance, 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. SES as used here excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity. The following are the types of permitted SES's:
 - A. 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.
 - B. 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.
 - C. Ground Mounted Solar Energy System means an SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Stonecrest zoning code, 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 two [2] acres.
- Intermediate Scale Ground Mounted Solar Energy System (Intermediate Scale SES) means a Ground Mounted SES with a Footprint of between [2 – 15] acres.

- Large Scale Ground Mounted Solar Energy System (Large Scale SES) means a Ground Mounted SES with a Footprint of more than [15] acres.

2. Revisions to the Supplemental Use Regulations related to Solar Energy Systems

[NEW, Section number is temporary and to be set after adoption]

Sec. 4.2.65 Solar Energy Systems, Principal Use

Principal solar energy systems (SES) shall be subject to the following standards:

- Permitting.* No principal SES shall be constructed without issuance of a building permit except for a repair or modification of an existing SES that does not increase the spatial coverage of the SES by more than ten percent and does not encroach on any required building height or setback limits of the applicable zoning district.
- UL-approved SES electric components.* Electric components shall have an Underwriters Laboratory listing.
- Height.* Principal solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt. Height of ground- or pole-mounted SES shall be computed separately for each unit or structure except power transmission poles or towers.
- Setbacks.* Ground-mounted or pole-mounted principal SES and supportive buildings and structures except electric transmission poles shall provide a minimum setback of 30 feet from all property lines.
- Buffers.* All principal SES solar collection units and supportive buildings and structures except electric transmission poles shall be screened from view from public rights-of-way and abutting properties by a 25-foot wide vegetative buffer that is continuous around the perimeter of the property except for perpendicular crossings of approved driveways and utilities. The vegetative buffer shall provide a visually opaque screen not less than 20 feet in height at maturity.
- Security.*
 1. The perimeter of the site of a principal SES shall be secured by an eight-foot tall security fence or wall that is constructed on the inside boundary of the required 25-foot buffer. Driveway entrances shall be gated.
 2. The operator must provide the City Police Department with a 24-hour contact responsible for operations.

[NEW, Section number is temporary and to be set after adoption]

Sec. 4.2.66 Solar Energy Systems, Accessory Use

- Nonresidential.* Active solar energy systems shall be allowed as an accessory limited use in all commercial or industrial zoning districts under the following standards:

1. *Roof-mounted solar systems.* In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

- a. Pitched roof-mounted solar systems. For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
- b. Flat roof-mounted solar systems. For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.
- c. The underlying zoning district maximum height for these systems shall be complied with.

2. *Ground-mounted solar systems.* Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located, or 25 feet, whichever is strictest. The height of the structure(s) shall not be taller than 25 feet in height.

3. *Visibility.* Active solar systems shall be designed to blend into the architecture of the building or be screened from routine view from public rights-of-way or adjacent residentially-zoned property per the standards of [Chapter 320](#).

4. *Approved solar components.* Electric solar system components must have a UL listing.

5. *Plan approval required.* All solar systems shall require a limited use approval by the Planning and Zoning Director.

6. *Plan applications.* Plan applications for solar systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

7. *Plan approvals.* Applications that meet the design requirements of this section shall be granted administrative approval by the Planning and Zoning Director.

8. *Compliance with building code.* All active solar systems shall meet approval of the building code.

9. *Compliance with electric code.* All photovoltaic systems shall comply with the National Electrical Code, current edition.

10. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Development Director that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

B. *Residential.* An application for a proposed solar collector/energy system located at a residence must meet the following standards as a limited accessory use:

1. All solar energy collectors, whether ground-mounted or mounted on an existing structure, shall meet the minimum accessory structure zoning setbacks for the zoning district in which located. The height of the structure shall not be taller than the maximum allowed height of a structure in the zoning district in which located.

C. Addition of Solar Energy Systems to the Use Table

See the following page for district recommendations or modifications to the Permitted Use Table, Sec. 4.1.3.

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SOLAR ENERGY SYSTEMS (SES)																									
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MIR-1	MIR-2	HR 1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	SA	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	✓
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SP	SP	SP	SP	✓
Ground Mounted SES, Intermediate Scale	SP	SP	SP									SP							P	P					✓
Ground Mounted SES, Large Scale	SP	SP										SP							SP	SP					✓