

RESOLUTION NO. [_____]

A RESOLUTION TO AMEND THE TEXT OF THE [_____] ZONING ORDINANCE ESTABLISHING REGULATIONS FOR SOLAR ENERGY SYSTEMS AS A PERMITTED USE IN THE [_____] DISTRICT AND ESTABLISHING REGULATIONS GOVERNING THE DEVELOPMENT OF SOLAR ENERGY SYSTEMS

WHEREAS, pursuant to Tennessee Code Annotated § 13-7-101 and § 13-7-102, a zoning ordinance and map have been adopted by [_____]; and

WHEREAS, the Planning Commission of the [_____] has recommended that the following described amendments be made in the text of the adopted zoning ordinance; and

WHEREAS, pursuant to Tennessee Code Annotated § 13-3-403(c), a public notice was published at least fifteen (15) days prior to the meeting.

NOW, THEREFORE, BE IT RESOLVED by the [_____] of the [_____] as follows:

1. **Definitions.** [_____] shall be amended to include the following 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, residential, or utility scale application. 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. SES includes all components of the electricity generating facility (inverters, transformers, switchgear, substations, communications infrastructure, and other ancillary or related equipment), but does not include transmission lines or generation tie lines connecting the SES to a utility-owned substation.

Integrated Solar Energy System (“ISES”) 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 ISES may be incorporated into, among other things, a building façade, skylight, shingles, canopy, groundmount system, light, or parking meter.

Accessory Solar Energy System (“ASES”) means an SES that is (i) structurally mounted to the roof of a house, building or other structure, (ii) located on property for which the primary use is not related to the production of energy, or (iii) located on the same property as the house, building or other structure in which the energy from the SES is consumed or on property adjacent thereto.

Ground Mounted Solar Energy System (“GSES”) means an SES that is structurally mounted to the ground and is larger than twenty (20) acres within the fenced area required by [_____] of this ordinance. If an SES qualifies as either an ISES or an ASES, it shall not be considered a GSES.

2. **SES Standards**. The following shall be inserted as [_____]:

[_____]. Development Standards for Ground Mounted Solar Energy Systems (“GSES”)

A GSES must conform to the following development standards:

- A. Fence. A GSES shall be enclosed by perimeter fencing of at least six (6) feet in height sufficient to prevent unauthorized access.
- B. Setbacks. A GSES shall be subject only to the following setbacks: (a) solar panel structures shall be set back at least fifty (50) feet from all property lines unless a lesser setback is approved by the Board of Zoning Appeals, and (b) solar panel structures shall be set back at least one hundred (100) feet from all residential dwelling units occupied at the time of site plan review. The setback requirements of this section do not apply to internal parcels within the same GSES.
- C. Landscape Buffering. A GSES shall have, to the extent reasonably practicable, a visual buffer of natural vegetation, fencing, and/or plantings, that upon maturation, would provide a visual screen to reduce the view of the GSES from residential dwelling units on adjacent lots that are occupied at the time of site plan review. Notwithstanding anything to the contrary this section, existing natural tree growth and natural landforms along the perimeter of a GSES that create a reasonably sufficient visual buffer shall satisfy the requirements of this section.
- D. Signage. A GSES shall have signs (a) stating the risks that may result from contact with a GSES, (b) identifying the owner or operator of the GSES, and (c) providing a 24-hour emergency contact phone number. All signs displayed with respect to a GSES shall comply with the requirements of the applicable zoning district for displaying advertisements.
- E. Decommissioning. Unless otherwise approved by the Board of Zoning Appeals, decommissioning of a GSES shall begin no later than twelve (12) months after a GSES has permanently ceased to generate electricity, at which time the owner or operator of the GSES shall restore and reclaim the site within twenty-four (24) months after a GSES has permanently ceased to generate electricity. Notwithstanding anything to the contrary, a GSES will not be considered to have permanently ceased to generate electricity unless it has failed to diligently pursue the production of, or restoration of the GSES’s ability to produce, electricity for at least twelve (12) consecutive months. The owner or operator of the GSES shall provide the Planning Commission with a copy of its decommissioning plan and evidence of its decommissioning security to the extent required pursuant to 2022 Tenn. Pub. Acts 866. No decommissioning security shall be required other than that provided for pursuant to 2022 Tenn. Pub. Acts 866.

- F. FAA. A GSES shall conform with any applicable Federal Aviation Administration requirements and, if required, secure any necessary approvals prior to commencement of construction of the GSES.
- G. Non-GSES Development. Notwithstanding anything provided herein, an ISES and ASES shall be permitted as of right so long as the primary use is permitted as of right in the applicable zoning district. Any other SES that does not qualify as a GSES will be permitted as of right in the [_____] zoning district(s), provided that the SES otherwise complies with the general standards for other permitted uses the applicable district.

3. [_____] **District**. “Solar energy systems” shall be inserted as Section [_____].

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon adoption, the public health, safety and welfare requiring it.

Approved and adopted by the [_____] of the [_____] on

[_____] , County/City Mayor

Attest:

[_____] , County/City Clerk