

2023-0043 *Ord.*

INTRODUCED BY: LA SANDRA DARENSBOURG GORDON,
COUNCILWOMAN, DISTRICT I

ORDINANCE NO. 23-3-1

An ordinance to amend Ordinance 81-10-6, the St. Charles Parish Zoning Ordinance of 1981, as amended, Section III; Section VI.A.[I.].1. c.; Section VI D.[I.].1.c.; Section VI.D. [II.].1.a.; and Section VII.1. to add definitions, specify permitted primary uses and accessory uses in appropriate Zoning Districts, and add supplemental use and performance regulations for Large Solar Energy Systems (LSES) and Small Solar Energy Systems (SSES) in order to regulate and promote renewable energy production.

WHEREAS, the St. Charles Parish 2030 Comprehensive Plan, updated 12/1/2022, includes Land Use Action LU 4.2 "Remove or adjust inadvertent impediments to sustainable development (e.g. existing restrictions on uses, or dimensional standards) that may prevent the use of renewable energy production technologies..." (p. 55); and,

WHEREAS, the transition to clean energy through development of a clean, renewable, and resilient power grid has been identified in the Louisiana Climate Action Plan, 2022 as a strategy for achieving net zero emissions; and,

WHEREAS, power generation by solar energy systems is an integral component of renewable electricity generation; and,

WHEREAS, the St. Charles Parish Zoning Ordinance of 1981 currently lacks provisions specific to solar energy systems; and,

WHEREAS, the St. Charles Parish Council wishes to protect the health, safety, and welfare of its residents, businesses, and visitors through the regulation and promotion of orderly development and use of land; and

WHEREAS, expanding appropriate permitted uses in suitable zoning districts promotes economic development; and,

WHEREAS, the Planning and Zoning Department recommended approval of these amendments; and,

WHEREAS, the Planning and Zoning Commission recommended approval with the following recommended change to Section VI at its regular meeting on February 2, 2023.

a. Solar PV panels shall be setback a minimum of thirty feet (30') from all existing property lines.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Appendix A, Section III. Definitions is amended with new text underlined and deleted text in ~~strikethrough~~:

Solar Energy System, Large (LSES): A utility-scale facility that converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies, including any related cables, conduit, power switchyards, transmission lines, collection facilities, PV panel arrays, operation and maintenance (O&M) buildings, transformers, and related structures and uses necessary for their operation. Any ground-mounted facility that covers more than 10,000 square feet is included in this definition.

Solar Energy System, Small (SSES): Structures, equipment, and/or machinery that converts sunlight into electricity by photovoltaics (PV) or experimental solar technologies as an accessory use to principal permitted uses.

SECTION II. That the Code of Ordinances, Appendix A, Section VI. Zoning district criteria and regulations A., [I.], 1. a. is hereby amended with new text underlined and deleted text in ~~strikethrough~~:

(9) Accessory buildings and uses.

SECTION III. That the Code of Ordinances, Appendix A, Section VI. Zoning district criteria and regulations A., [I.], 1. c. is hereby amended with new text underlined and deleted text in ~~strikethrough~~:

(13) Solar Energy System, Large (LSES), in accordance with Section VII, Supplemental Use and Performance Regulations and supporting resolution of the Council

SECTION IV. That the Code of Ordinances, Appendix A, Section VI. Zoning district criteria and regulations D., [I.], 1. c. is hereby amended with new text underlined and deleted text in ~~strikethrough~~:

(10) Solar Energy System, Large (LSES), in accordance with Section VII, Supplemental Use and Performance Regulations

SECTION V. That the Code of Ordinances, Appendix A, Section VI. Zoning district criteria and regulations D., [II.], 1. a. is hereby amended with new text underlined and deleted text in ~~strikethrough~~:

(11) Solar Energy System, Large (LSES), in accordance with Section VII, Supplemental Use and Performance Regulations

SECTION VI. That the Code of Ordinances, Appendix A, Section VII. Supplemental use and performance regulations 1. is hereby amended with new text underlined and deleted text in ~~strikethrough~~ to be added after Restaurants:

Solar Energy System, Large (LSES)

Large Solar Energy Systems (LSES) shall be subject to the additional regulations and requirements set forth below:

- a. Solar PV panels shall be setback a minimum of thirty feet (30') from all existing property lines.
- b. The maximum height of a solar PV panel shall be thirty feet (30') oriented at maximum tilt. The maximum height of a switching station shall not exceed the minimum height needed to tie into electrical transmission lines. The height of all other buildings and accessory structures shall comply with the maximum building height requirements of the applicable zoning district in which the LSES is located. The height of lightning rods shall be limited to the height necessary to protect the switching station and shall not be lighted.
- c. Lighting shall be limited to the minimum necessary, directed downward, and set with motion-sensors. No lighting shall extend beyond the perimeter of the LSES.
- d. No LSES shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling public roads.
- e. Commercially reasonable screening shall be installed at the applicant's expense to provide adequate screening between the LSES and adjacent non-participating primary residential dwellings.
- f. Fencing at a minimum height of six feet (6') shall be installed around the perimeter of the LSES and any other measures necessary to ensure the security and safe operation of the LSES shall be taken. Deer fencing may be utilized where feasible.
- g. The LSES shall comply with all applicable stormwater management and groundwater laws and regulations, and any federal, state, and local permits shall be obtained.
- h. Any noise produced by the LSES shall not exceed fifty-five (55) dBA, as measured at any adjacent property line.
- i. The LSES layout and operation shall be designed to minimize negative impacts on wildlife, including overflight migrating birds and riparian zones, and ongoing monitoring of any identified negative impacts will be provided.
- j. Livestock grazing, agriculture, and other compatible uses shall be permitted within a fenced LSES, subject to the requirements of the underlying zoning district.
- k. No advertising or signage, other than that required by law and approved address/identification signage as allowed under Section XXI, shall be permitted on the LSES.
- l. A project summary shall be provided to the Zoning and Regulatory Administrator containing the following information:
 - i. Number, location, and spacing of proposed solar PV panels/arrays
 - ii. Planned location of O&M building, switchyard, and transformers
 - iii. Planned location of underground or overhead electrical lines and related infrastructure
 - iv. Project development timeline
 - v. Operation and maintenance plan
 - vi. Vegetation management and landscaping plan, including grading

- vii. Decommissioning Plan, subject to the requirements of below
- viii. Name and contact information of the LSES operator
- ix. Proof of access and use rights to the LSES property, including evidence of landowner authorization and a list of all landowners
- x. Specifications for all planned equipment to be installed at the LSES
- xi. Site access and emergency response plans
- m. The LSES shall comply with all federal, state, and local laws, codes, and regulations, including but not limited to the National Electric Code, the National Electric Safety Code, local building codes, and any generally applicable permitting requirements.
- n. The LSES shall be maintained in accordance with this Zoning Ordinance and all applicable Parish requirements. Maintenance shall include but not be limited to painting, structural repairs, vegetation management, and integrity of security measures including fencing. No damaged, broken, or non-working parts or equipment shall be stored on site.
- o. A Decommissioning Plan consisting of the following information shall be provided to the Zoning and Regulatory Administrator:
 - i. The anticipated operating lifetime of the LSES
 - ii. Description of the activities necessary to decommission the LSES upon closure and cessation of operations
 - iii. Description of site restoration activities to be undertaken following decommissioning to restore the LSES site to its original use, condition, and appearance
 - iv. Cost estimate of site decommissioning and restoration in current dollars
 - v. Description of the necessary mechanism for posting a satisfactory bond to cover the anticipated decommissioning costs.
 - vi. Timeline for completion of all decommissioning and site restoration activities
- p. The LSES operator shall post a bond, in a form and amount acceptable to the Zoning and Regulatory Administrator, equal to 125% of the decommissioning and site restoration costs specified in the Decommissioning Plan. The amount of the bond shall be recalculated every five (5) years and provided, with an updated bond (if necessary), to the Zoning and Regulatory Administrator.
- q. As-built drawings shall be provided to the Zoning and Regulatory Administrator upon completion of construction of all development on the LSES site.

Solar Energy System, Small (SSES)

Small Solar Energy Systems (SSES) shall be permitted as an accessory use to any primary permitted use and shall be subject to the additional regulations and requirements set forth below:

- a. An SSES shall provide power for the principal use and/or accessory use of the property on which it is located and shall not generate power for sale to other users, although this provision shall not prohibit the sale of excess power to the local utility company.
- b. An SSES connected to the utility grid shall provide written authorization from the local utility company to the Zoning and Regulatory Administrator acknowledging and approving such connection.
- c. A roof-mounted SSES may be mounted on a principal building or accessory building, and may not exceed the maximum building height restrictions of the underlying zoning district.
- d. A ground-mounted SSES may occupy no more than 10,000 sq. ft. nor 30% of the lot on which the primary use is located, whichever is lesser.
- e. A ground-mounted SSES shall not exceed a height of fifteen (15) feet with the exception of a six (6) feet maximum height in residential zones.
- f. A ground-mounted SSES or SSES attached to an accessory building shall not be located within the required front yard setback.
- g. A ground-mounted SSES shall comply with the setbacks of the underlying zoning district.

- h. All mechanical equipment associated with and necessary for the operation of the SSES shall comply with the following:
 - i. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
 - ii. Mechanical equipment for any ground-mounted SSES shall comply with the setbacks specified under Section X. – Exceptions and modifications, item C.1.
 - iii. Mechanical equipment located adjacent to any residential district or use shall be screened from view either by acceptable pant materials or a fence that is at least fifty percent (50%) opaque.
- i. Solar PV panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- j. All power transmission lines from a ground-mounted SSES to any building or other structure shall be located underground.
- k. An SSES shall be used in conjunction with only SSES related equipment and shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the SSES provided they comply with the sign regulations of Section XXI.
- l. A building/zoning permit shall be obtained prior to construction.
- m. The local utility provider shall be contacted to determine grid interconnection and net metering policies.
- n. The SSES shall comply with all applicable Parish ordinances and codes to ensure the structural integrity of such facility.
- o. Before any construction can commence on any SSES the property owner must acknowledge that they are the responsible party for owning/leasing and maintaining the SSES.
- p. If a ground-mounted SSES is removed, any earth disturbance because of the removal of the ground mounted SSES shall be graded and seeded.
- q. If a ground-mounted SSES has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Building Inspector, the facility shall be required to be repaired by the property owner to meet federal, state, and local safety standards, or be removed by the property owner within the time period allowed by the Building Inspector. If the property owner fails to remove or repair the defective or abandoned SSES, the Parish may pursue legal action to have the SSES removed at the property owner's expense.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: BILLINGS, FONSECA, CLULEE, GIBBS, DUFRENE, BELLOCK, FISHER, FISHER-CORMIER

NAYS: NONE

ABSENT: DARENSBOURG GORDON

And the ordinance was declared adopted this 13th day of March, 2023, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: *Beck A. Billings*
 SECRETARY: *Nichelle Dupontato*
 DLVD/PARISH PRESIDENT: *March 14, 2023*
 APPROVED: DISAPPROVED:

PARISH PRESIDENT: *Matt Jawee*
 RETD/SECRETARY: *March 15, 2023*
 AT: *8:45 am* RECD BY: *[Signature]*

*Suzanne,
 Correspondence
 not included.
 Waiting on
 chair signature.
 You will re-scan
 at a later date
 [Signature]*