

**A RESOLUTION
ENTITLED**

**A RESOLUTION APPROVING THE AMENDMENT OF TITLE III, ARTICLE 1 OF
THE ZONING ORDINANCE OF THE CITY OF ALBANY & DOUGHERTY COUNTY,
GEORGIA, PROVIDING FOR THE ADDITION OF SECTION 1:45 GOVERNING
BATTERY ENERGY STORAGE SYSTEMS; TO PROVIDE FOR AN EFFECTIVE
DATE; REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT
HEREWITH; AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners of Dougherty County, Georgia has reviewed and considered the proposed amendment of Title III, Article 1 of the Zoning Ordinance of the City of Albany & Dougherty County, providing for the addition of Section 1.45: Battery Energy Storage Systems to; and

WHEREAS, the Board of Commissioners of Dougherty County, Georgia deems it in the best interest of the citizens of Dougherty County to add Title III, Article 1, Section 1:45 to the Zoning Ordinance to ensure that its enforcement of ordinance compliance meets the maximum standards allowable by state law; and

WHEREAS, it is the intent of the Board of Commissioners of Dougherty County, Georgia to preserve and exercise where appropriate all powers and authority granted to it under state law, in order to protect the health, safety and welfare of the community.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Dougherty County, Georgia and its hereby resolved by authority of same as follows:

Section 1. The said provisions governing Battery Energy Storage is hereby added in their entirety with the language set forth in Exhibit A, which shall be incorporated into the Zoning Ordinance as Title III, Article 1, Section 1:45.

Section 2. It is hereby declared to be the intention of the Board of Commissioners of Dougherty County, Georgia that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section hereof shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the Board of Commissioners of Dougherty County, Georgia that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 3. This Ordinance shall be effective immediately adoption.

Section 4. All ordinances or parts of ordinances found to be in conflict herewith are hereby repealed.


This the 6th day of October, 2025.

BOARD OF COMMISSIONERS OF
DOUGHERTY COUNTY, GEORGIA

BY: 

Lorenzo L. Heard, Chairman

ATTEST:


County Clerk

**AN ORDINANCE
ENTITLED**

**AN ORDINANCE AMENDING A PORTION OF TITLE III, ARTICLE 1
SUPPLEMENTAL REGULATION AND MODIFICATIONS AND
REQUIREMENTS OF THE ALBANY DOUGHERTY COUNTY ZONING
ORDINANCE SO AS TO ESTABLISH A NEW SECTION 1.45: BATTERY
ENERGY STORAGE SYSTEMS, REPEALING PRIOR ORDINANCES IN
CONFLICT AND FOR OTHER PURPOSES.**

WHEREAS, it is in the best interest of Dougherty County that the Zoning Ordinance be amended to enact a new ordinance dealing with battery energy storage systems; and

WHEREAS, this ordinance will amend Title III, Article 1 of the Zoning Ordinance to add 1.45: Battery Energy Storage Systems;

BE IT ORDAINED by the Board of Commissioners of Dougherty County, Georgia and it is hereby ordained by authority of same:

SECTION 1. From and after adoption of this Ordinance, Title III, Article 1, Section 1.45: Battery Energy Storage Systems of the Zoning Ordinance shall read as follows:

Section 1.45 – Battery Energy Storage Systems

(a) Definitions

- (1) "Augmentation" is the process of adding new components to an existing system.
- (2) "Battery Energy Storage System (BESS)" is one or more devices, assembled, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This may include, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.
- (3) "Decommissioning" is the process of removing equipment and other infrastructure associated with a project and restoring the site to substantially the same condition as it was prior to the construction of the BESS.

- (4) "Nameplate Capacity" is the maximum amount of energy that a BESS can supply or store under specific conditions. It is also known as rated capacity or peak capacity and is usually expressed in megawatts (MW) or kilowatts (kW) for power or expressed in megawatt-hours (MWh) or kilowatt-hours (kWh) for energy.
- (5) "National Fire Protection Association (NFPA)" is a non-profit organization, established in 1896, that develops and publishes over 300 consensus codes and standards intended to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, and installation in the United States and internationally. NFPA 855, also known as the *Standard for the Installation of Stationary Energy Storage Systems*, provides comprehensive guidelines for the safe installation of stationary energy storage systems, including those using lithium batteries. It covers topics such as system design, construction, operation, and maintenance to ensure safety and reliability. The NFPA code can be viewed for free by anyone who registers on the NFPA's website at: <https://www.nfpa.org/855>.
- (6) "National Electric Code (NEC)", also known as NFPA 70, is a set of standards for the safe installation of electrical wiring and equipment in the United States. The NEC covers the installation of electrical conductors, equipment, and raceways; signaling and communications conductors and equipment; and fiber optics. It is updated every three years to incorporate new technologies and improve safety measures.
- (7) "Non-Participating Property" is real property that is not subject to any agreements with a BESS permittee, owner, or operator.
- (8) "Occupied Residential Structure" is an existing permanent man-made shelter in which people regularly reside, including but not limited to a residence, dwelling, apartment house, or condominium, at the time the permit application is submitted.
- (9) "Residential On-Site Battery Energy Storage System" is a BESS that is intended primarily to serve the electricity needs of the applicant property. A Residential On-Site BESS has a nameplate capacity of one megawatt hour (MWh) or less and does not connect directly to the utility grid system.
- (10) "Utility Off-Site Battery Energy Storage System" is a BESS designed for off-site use through the electrical grid. A Utility Off-Site BESS has a nameplate capacity greater than one megawatt hour (MWh) and/or connects directly to the utility grid system.
- (11) "Participating Property" is real property that is either owned by the BESS permittee or that is the subject of an agreement between the owner of the property and the BESS permittee, owner, or operator, regardless of whether any part of the BESS is constructed on the property.
- (12) "Permittee" is the applicant for Special Approval.

- (13) "Repowering" is the process of replacing all or part of an existing system.
- (14) "UL 9540", also known as the Standard for Energy Storage Systems and Equipment, is designed to ensure the safety of these systems and covers their construction, performance, and testing requirements.

(b) Siting and Facility Standards

- (1) All Utility Off-Site BESS shall comply with the latest edition of NFPA 855 *Standard for the Installation of Stationary Energy Storage Systems* published and adopted by the State of Georgia at the time the Special Approval application is submitted to the County.
- (2) The setbacks below shall apply to all BESS containers at a Utility Off-Site BESS unless a variance is approved by the Planning Commission as specified in Title III, Article 5, Section 5.05(A)(3).
- a. The BESS containers shall be set back a minimum of 100 feet from the nearest edge of a public road right-of-way.
 - b. The BESS containers shall be set back a minimum of 100 feet from the property line of a Non-Participating Property.
 - c. A variance to a setback may be granted by the Planning Commission if the permittee and the landowner abutting the property where encroachment within the setback is requested sign a waiver agreement. Applications for variances shall be approved as specified in Title III, Article 5, Section 5.05(A)(3). Notwithstanding the foregoing, a setback may not be less than the minimum setback distance established in NFPA 855.
- (3) Sound:
- a. A BESS shall not emit sound exceeding 55 dBA within 50 feet of an existing commercial or residential structure on a non-participating property when the Special Approval application is submitted.
 - b. A variance to this sound requirement may be granted by the Planning Commission if the permittee and the affected landowner sign a waiver agreement. Applications for variances shall be approved as specified in title III, article 5, section 5.05(A)(3).
- (4) Lighting: If site lighting is installed, the permittee shall implement dark sky-friendly lighting solutions that are designed to minimize the amount of light that escapes upward into the sky and in compliance with NFPA 855.
- (5) Security: Perimeter fencing for a Utility Off-Site BESS shall be installed with a perimeter fence of at least 7 feet in height, consistent with requirements established in the NEC.

- (6) **Buffering:** Areas that abut residentially zoned or residential uses shall be buffered by one or a combination of the following:
 - a. A double row of offset evergreens absent mature vegetation, installed at a height of five (5) feet, achieving opacity and a minimum height of 10 feet in five (5) years.
 - b. On-site mature vegetation existing at a minimum height of ten (10) feet and a depth of seventy-five (75) feet between the on-site security fence and adjacent properties or right-of-way.
 - c. A single row of evergreens in combination with mature vegetation installed at a height of five (5) feet achieving opacity and a minimum height of ten (10) feet in five (5) years.
- (7) **Lot Size and Lot Coverage:** A Utility Off-Site BESS shall not be subject to minimum or maximum lot size requirements, or coverage requirements of the underlying zoning district.
- (8) **Access Drives:** Access drives from any County road to a Utility Off-Site BESS shall be designed in consultation with the Public Works Department of Dougherty County and the Dougherty County Emergency Management Agency and shall be maintained to enable year-round emergency vehicle access.
- (9) **Wiring:** All on-site utility lines for a Utility Off-Site BESS shall be placed underground to the extent feasible, except for the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation, any electrical substations and poles, with new easements and right-of-way.
- (10) **Signage:** Safety signage shall comply with NFPA 855 or other applicable safety codes.
- (11) **Floodplain Management:** All BESS containers shall comply with the local Floodplain Management Ordinance, as applicable.

(c) Approvals Required for Utility Off-Site BESS

- (1) Utility Off-Site BESS as a principal use shall be permitted in Zoning Districts M-1, M-2, or AG, provided that the requirements of (b) and (e) are met and Special Approval or Special Approval with Conditions is granted by the County Commission.
- (2) An application for Special Approval for a Utility Off-Site BESS shall include a letter of intent addressing all criteria listed in this section (c), a site plan that includes all site plan review elements found in Title II Article 6 Section 6.1, and basic project information from the applicant. The County Commission shall not take final action on the application until it has received a recommendation from the Planning Commission.
- (3) Review of an application for a Utility Off-Site BESS shall conform to the procedures for Special Approval as described in Title II Article 5 Section 5.2 of the Albany Dougherty County Zoning

Ordinance. An application may be approved, denied, or approved with conditions. In reviewing the application, the County Commission shall consider the following Special Approval Review Criteria:

- a. The effect of the proposed activity on traffic flow along adjoining streets.
 - b. Whether the location of off-street parking facilities are adequate and properly located to serve the use and not impact surrounding properties.
 - c. The number, size, and type of signs proposed for the site.
 - d. Whether the amount and location of open space is adequate to preserve the character of the area and to reduce environmental impacts.
 - e. Whether the screening provided in section (b)(5) above is adequate to protect the adjacent uses from any negative impacts of this use.
 - f. Whether the lighting limitations in section (b)(4) are adequate to protect the adjacent uses from any negative impacts of this use.
 - g. Whether ingress and/or egress routes for the property reduce negative impacts and/or does it enhance public safety.
 - h. Whether the use is compatible with adjacent uses and whether any negative impacts are appropriately mitigated.
 - i. If it is consistent with the Comprehensive Plan.
- (4) An application for a Utility Off-Site BESS shall include the following:
- (a) The name, business address, and phone number of the applicant in whose name the permit is to be issued.
 - (b) A schedule for the proposed start and completion of construction of the BESS facility.
 - (c) Information describing the applicant's property rights within the boundaries of the proposed site.
 - (d) A USGS topographical map of the property where the Utility Off-Site BESS facility is proposed to be located and adjoining land within 1,440 feet of the outermost boundary of any Participating Property. The following items will be clearly marked on the map:
 - i. The preliminary location of the BESS containers and accessory structures, including any substation(s) and/or transmission line(s) associated with the BESS.
 - ii. Each Occupied Residential Structure, public road, private road, utility line, and public facility.
 - (e) For the purposes of Special Approval, a template Emergency Response Plan (ERP) will be submitted as part of the application. Prior to commercial operations, a final ERP will be developed in consultation with the chief official of the Dougherty County Emergency Management Agency. The final ERP will contain the following:

- i. An identification of contingencies that would constitute a safety or security emergency.
- ii. Emergency response measures and community notification measures by contingency.
- iii. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles.
- iv. A commitment to review and update the ERP/FRP with local fire department, first responders, and county emergency managers at least once every 5 years.
- v. A commitment to offer to conduct, or provide funding to conduct, site-specific training drills before commencing operation, at the expense of the project owner. Training should familiarize the emergency departments with the project, hazards, procedures, and current best practices.
- vi. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity.
- vii. Copies of Emergency Response Plans shall be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders, which should be outside the perimeter fence.
- viii. Other information the applicant finds relevant.

(d) Repair, Augmentation, and Repowering. A Utility Off-Site BESS may at any time be repaired, augmented, or repowered, which may result in an increase of the Nameplate Capacity, without the need to submit a new site plan or obtain a new or amended Special Approval so long as the augmentation or repowering is within the same project boundary of the original Special Approval.

(e) Decommissioning

1. The permittee shall submit a Decommissioning Plan as part of the Special Approval application. The Decommissioning plan shall include the following:
 - a. The anticipated life of the facility;
 - b. The anticipated manner in which the project will be decommissioned; and

- c. A description of which above-grade and below-grade improvements will be removed, retained, or restored to substantially the same condition as the property was in prior to construction of the BESS.
2. If a Utility Off-Site BESS ceases operation for a period of 24 consecutive months, the facility will be deemed abandoned, unless the permittee, owner, or operator of the BESS facility submits to the Planning Commission an action plan to bring the BESS back online. The action plan must demonstrate the actions and timeline under which the BESS facility will be brought back online within 180 days of the date the action plan was submitted. The timeline for bringing the facility back online may exceed the 180-day period if the permittee, owner, or operator demonstrates a reasonable basis exists for the extension. If no action plan is submitted, and the facility is deemed abandoned, the permittee, owner, or operator shall implement, at its expense, the Decommissioning Plan, within 180 days of the facility being deemed abandoned.

SECTION 2. This ordinance shall become effective immediately upon its adoption.

SECTION 3. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

This the 6th day of October, 2025.

BOARD OF COMMISSIONERS OF
DOUGHERTY COUNTY, GEORGIA

BY: _____

Lorenzo L. Heard, Chairman

ATTEST:

Jawahar E. Awe
County Clerk