STATE OF GEORGIA

CITY OF COLLEGE PARK

ORDINANCE NO. 2024-07

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF COLLEGE PARK, GEORGIA BY REZONING THAT CERTAIN PARCEL OF REAL PROPERTY LOCATED AT 0 WELCOME ALL ROAD; TO PROVIDE FOR SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of College Park, Georgia (the "City") is the Mayor and Council thereof; and

WHEREAS, the governing body is authorized by its Charter to regulate zoning within the limits of the City; and

WHEREAS, the subject parcel of real property consists of approximately 61.86 acres located at 0 Welcome All Road, according to the present system of numbering property in College Park, Fulton County, Georgia (Fulton County Tax Parcel Identification Numbers: 09F36020130086; 09F360101290669; 09F360101290545) (the "Property"); and

WHEREAS, the Property is currently within the Business Park District ("BP District"); and

WHEREAS, the City Council on their March 18, 2024, council meeting passed a motion to rezone the Property to the M1 Light Industrial Zoning District ("M1 District"), for construction of a facility for battery storage; and

WHEREAS, this change adheres to all zoning procedures pursuant to O.C.G.A. 36-66-36 and notice and hearing requirements pursuant to O.C.G.A. § 36-66-1 *et seq.*; and

WHEREAS, the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, GEORGIA, and by the authority thereof:

Section 1. That certain parcel of real property consisting of approximately 61.86 acres located at 0 Welcome All Road, according to the present system of numbering property in College Park, Fulton County, Georgia (Fulton County Tax Parcel Identification Numbers: 09F36020130086; 09F360101290669; 09F360101290545) is hereby rezoned from BP – Business Park to M1 – Industrial. Such rezoning is to be noted on the official City of College Park Zoning Map approved by the Mayor and Council as soon as reasonably possible following adoption of this Ordinance along with an editorial note on the official City of College Park Zoning Map specifying the parcel affected by this Ordinance and the date of adoption of this Ordinance. Until this rezoning is indicated on the official City of College Park Zoning Map, this Ordinance and Exhibit A shall govern over the official City of College Park Zoning Map to the extent of any discrepancy between this Ordinance and the official City of College Park Zoning Map. This rezoning is subject to Property owner's agreed upon conditions listed on Exhibit B attached hereto, which shall be incorporated as if fully stated herein.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

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

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually 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 this Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of this 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 to the extent they conflict with this Ordinance.

Section 6. Penalties in effect for violations of the Zoning Ordinance of the City of College Park, Georgia at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

Section 8. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including any exhibits, as enacted.

ORDAINED this _____ day of _____, 2024.

CITY OF COLLEGE PARK, GEORGIA

_____
Bianca Motley Broom, *Mayor*

ATTEST:

_____(SEAL)
Shavala Ames, *City Clerk*

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT A

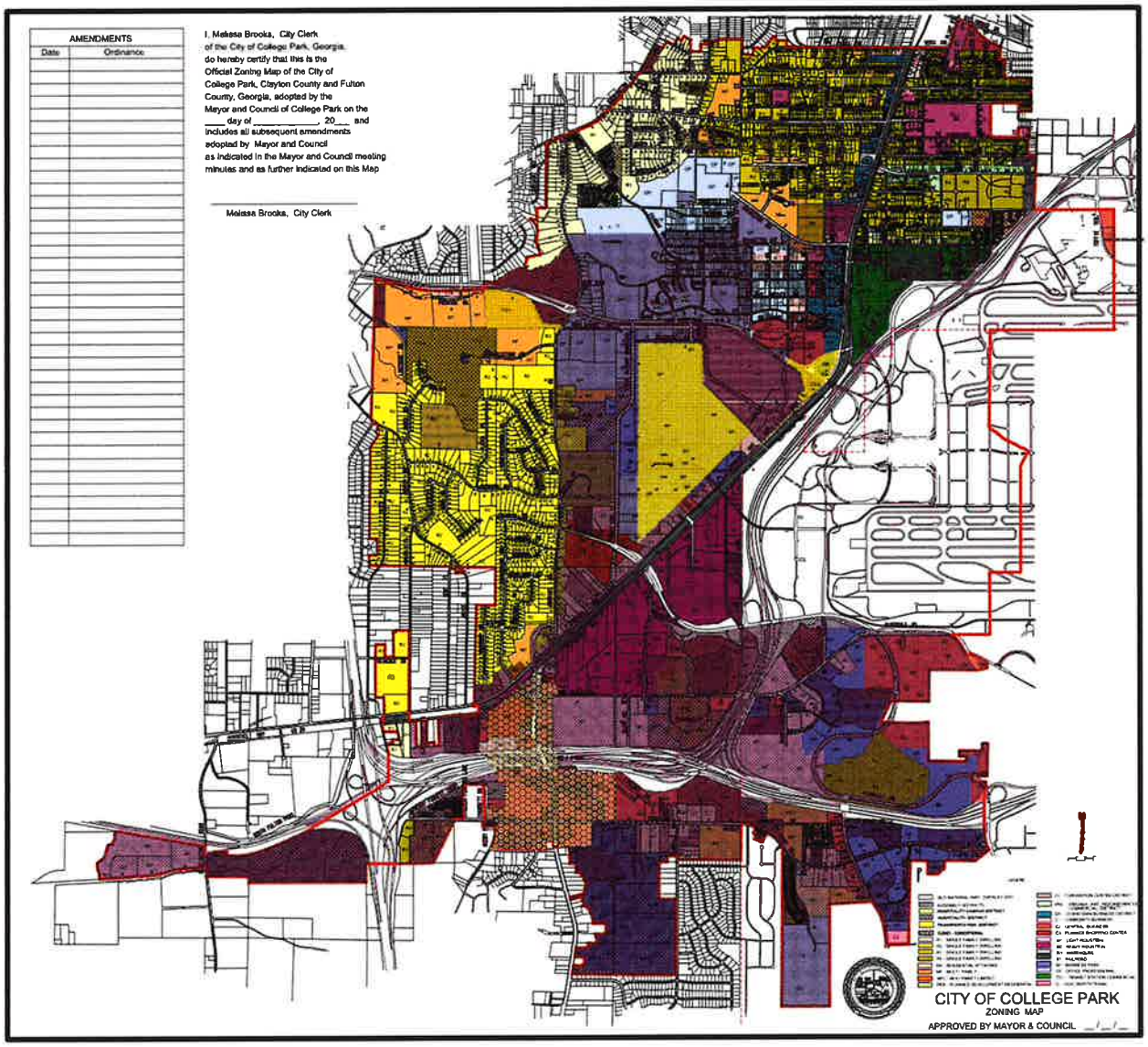
AMENDMENTS
Date
Ordinance
I, Melissa Brooks, City Clerk of the City of College Park, Georgia, do hereby certify that this is the Official Zoning Map of the City of College Park, Clayton County and Fulton County, Georgia, adopted by the Mayor and Council of College Park on the ____ day of _____, 20___ and includes all subsequent amendments adopted by Mayor and Council as indicated in the Mayor and Council meeting minutes and as further indicated on this Map
Melissa Brooks, City Clerk
CITY OF COLLEGE PARK
ZONING MAP
APPROVED BY MAYOR & COUNCIL

EXHIBIT B
ID#10604 NextEra Battery Storage Revised
Conditions of Approval

1. Site and Use.

(a) Industrial uses on the site shall be limited to storage of electric energy in batteries and a utility substation. Under no circumstances shall the use include freight trucks or similar other heavy equipment operations, except for material delivery during the construction phase or future equipment replacement. All uses listed under BP are allowed.

(b) The minimum distance from any storage containers, structure, or battery energy storage system to a residential structure shall be at least 115 feet.

(c) The site shall maintain a minimum 10-foot evergreen buffer around the entire periphery to provide a visual screen year around.

(d) Submit FAA form 7460-1 to the FAA. (Note that the FAA's review period can take more than 45 days.) The FAA's response to Form 7460-1 shall be submitted to the Building Official. Any FAA concerns need to be addressed, and FAA related concerns must be resolved. FAA approval documentation must be submitted to the Building Official prior to the issuance of permit.

(e) All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that contain or are otherwise associated with a battery energy storage system, shall be designed, erected, and installed in accordance with NFPA 855 and all other appliable State and Federal Laws, and all applicable provisions of the codes, regulations, and industry standards of the State of Georgia and the City of College Park Code.

(f) Noise at a residential property line shall meet College Park noise requirements regardless of whether the residential property is located in College Park.

(g) The perimeter of the property, along the right of way, shall be bordered by a fireproof, masonry wall, minimum six feet tall. This wall shall be softened by a row of evergreen shrubs, minimum 3 feet in height. The remainder of the site shall be secured by a fence, (chain link or decorative wrought iron, minimum 8 feet tall). Each entrance shall be gated

and monitored 24 hours by remote surveillance to prevent unauthorized access. Signage indicating a restricted area and emergency information postings must be clearly posted at each entrance. Provide Knox-box or similar emergency access at the entrances.

(h) Install at least two windsocks around the perimeter of the site.

(i) Any significant changes to the approved site plan, as well as the number of containers or energy output of the site requires approval of Mayor and City Council.

(j) The South Fulton and College Park public safety departments shall be notified of any new technology, or improvements or modifications to the batteries, to assure that appropriate fire retarding agents are available.

2. Safety Standards.

The latest safety standards applicable to a Battery Energy Storage System (BESS) will be used in the facility's design and construction to ensure that battery modules adhere to the above requirements and that system faults cannot induce concurrent multiple battery module failures due to energy charge/discharge/storage mismanagement or battery module environmental mismanagement, including but not limited to temperature management.

3. Design and Construction.

Notwithstanding any other requirements, the design and construction of the BESS shall ensure that thermal runaway will always be contained within the cells grouped within a battery module. Furthermore, the energy storage capacity of a battery module will be limited, such that the volume of any flammable gasses emitted during thermal runaway will not be sufficient to cause a fire or explosion, and the volume of any toxic gasses emitted during thermal runaway will not be sufficient to pose a health hazard to an unprotected individual within five feet of the container building housing the battery modules. BESS faults which violate either or both of the preceding requirements will constitute prima facie evidence of a deficient BESS that requires immediate shutdown of the entire facility until the cause of this zoning violation is determined and

demonstrated to have been corrected in all BESS containers at the facility. The site shall produce 350MW/4Hr (1400MWh) maximum nameplate at the point of delivery.

4. Fire and Explosion Prevention.

(a) Building and Construction Plan approval. All building and construction plans must be approved by the State Fire Marshal and the College Park Fire Marshal prior to operations.

(b) Fire detection. An approved automatic smoke detection system or radiant energy– sensing fire detection system shall be installed in rooms, indoor areas, and walk-in energy storage system units containing electrochemical energy storage systems. An approved radiant energy–sensing fire detection system shall be installed to protect open parking garage and rooftop installations. Alarm signals from detection systems shall be monitored by an approved supervising station in accordance with NFPA 72. Alarms that are directed to the remote monitory system in Florida, shall also be routed to City of College Park and South Fulton.

(c) Fire suppression systems. Rooms and areas within buildings and walk-in energy storage system units containing electrochemical energy storage systems shall be protected by an automatic fire suppression system.

(d) Fire Propagation Prevention. To prevent fire propagation, individual internal BESS racks or listed units shall be separated from each other and from other equipment and structures by a distance determined through large-scale fire testing (e.g., UL 9540A) and modeling. Such distance must be approved by the AHJ or the fire protection engineer of record, as required.

(e) Enclosures. Enclosures of energy storage systems shall be of noncombustible construction.

(f) Battery enclosures should be a minimum of (10) feet apart.

(g) Vegetation and tree-cutting. Areas within [10] feet on each side of any Battery Energy Storage Systems (BESS) shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

5. Thermal Management.

The Facility shall have an appropriately designed thermal management system to support maintenance of the BESS in optimal environmental conditions. The thermal management system shall include the following:

(a) The BESS enclosure(s) shall include a thermal management system that shall maintain the temperature of all battery modules within manufacturer's specifications.

(b) Thermal management systems shall be designed to handle the most aggressive cycling case(s), fast or repeated charging and discharging at full rated power and maximum C-rate during the hottest day of the year, whichever is more aggressive. Thermal management design shall take into consideration the following, but shall not be limited to:

i. An oversizing factor and a justification for the selection of the oversizing factor that accounts for total system size and subsequent augmentation, as well as the impacts of degradation over time.

ii. Data pertaining to the heat generation of the battery cells (typically in watts of heat generated as a function of cell C-rate or current).

iii. The number of cells in the system and therefore the total heat load at maximum C-rate.

iv. An analysis of the BESS duty cycle (power over time) translated to C-rate over time for the battery cells.

v. An estimation of the maximum duration of time that the cells shall be at maximum C-rate.

vi. The thermal mass of the battery cells and constituent components shall be considered in the heat and mass balance calculation.

vii. The rejection rate of heat from the BESS walls and ceiling.

(c) The thermal management system shall have verifiable redundancies to manage the thermal system within each of the units. The energy management system (EMS) connected to the heating, ventilation, and air conditioning (HVAC) must be protected by firewalls to prevent

or minimize cyber-attacks.

6. Physical Hazards.

(a) Energy storage systems that have the potential to release odors, toxic, and highly toxic gas during charging, discharging and normal use conditions shall be provided with a hazardous exhaust system to provide treatment before released into the air in accordance with the Mechanical Code of the State of Georgia.

(b) If necessary, the Tier I Emergency and Hazardous Chemical Inventory Form from Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) must be completed. This form includes the submittal of an emergency and hazardous chemical inventory form by March 1 of each calendar year to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and the City of College Park Fire Department.

7. Traffic.

(a) Access to the southern portion of site shall be restricted to Welcome All Road and access to the northern portion shall be restricted to one entrance on Delano Road.

(b) Provide a traffic routing plan showing where roads will be closed, and how traffic will be routed, in case of an emergency situation. This can be submitted as a part of the Emergency Operations Plan.

(c) Extend Delano Road in order to provide emergency egress in case of an emergency.

8. Cyber Security.

Prior to receiving City approval to operate, the applicant shall provide the following information to the City of College Park Information Technology Director:

(a) All information on NFPA-75/76 for Mitigating Risk for Technology Equipment

(b) A NIST-800-53-CP-2 Contingency Plan

(c) A method to track "User Actions"

(d) All monitoring software information

(e) All fortification effort for network protection

(f) All network equipment information (Edge switches, firewall etc.)

(g) Plans for redundancy for the fiber monitoring system.

9. Training.

Prior to operations, owner of the BESS shall provide training to public safety personnel for emergency response. Training shall occur annually and be at least 4 hours. Training shall be provided to both City of South Fulton and City of College Park personnel. The developer shall send regular reports to the City of College Park and South Fulton, along with regular briefings and updates.

10. Emergency Operations Plan.

Applicant shall prepare and provide a copy of an Emergency Operations Plan to the College Park fire department and local fire code officials annually. A permanent copy shall also be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

(a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.

(b) Procedures for inspection and testing of associated alarms, interlocks, and controls.

(c) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

(d) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures may include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

(e) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.

(f) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

(g) Monitoring and shutdown capability of the system is provided on site at a safe distance from the BESS units that will have all monitoring and control communication paths completely self-contained on-site, independent of outside communication links.

Provide eye wash stations and emergency showers throughout the site in case of chemical exposure.

Provide on-site 911 call boxes.

Provide on-site fire suppressant extinguishing agent that is compatible with extinguishing lithium - ion batteries.

Install continuous external monitoring equipment for air quality in the area, with an alert system.

Conduct annual soil tests.

11. Signage.

(a) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

(b) A disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

12. Lighting.

(a) Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

(b) Install emergency lighting to prevent off landing of aircraft.

13. Noise.

(a) All applicable standards from the City of College Park Code of Ordinances regarding noise, including but not limited to Sections 8-26, 8-37, and 8-38, must be properly implemented. This includes the requirement that the combined sound level at the residential property boundary from all the sound sources (including fans, air conditioning compressors, inverters, etc.) should not exceed 60 dBA during the day (7:00 AM to 10:00 PM), and 50 dBA at night (10:00 PM to 7:00AM).

(b) Noise walls or other noise protection measures may be required on the property to meet the above standards.

14. Decommissioning.

(a) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:

i. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

iii. The anticipated life of the battery energy storage system;

iv. The estimated decommissioning costs and how said estimate was determined;

v. The method of ensuring that funds will be available for decommissioning and restoration;

vi. The method by which the decommissioning cost will be kept current;

vii. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy

storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

viii. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

ix. Provide documentation on transfer of hazardous materials to the City.

Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the City of College Park, in a form approved by the City of College Park for the removal of the battery energy storage system, in an amount to be determined by the City of College Park, for the period of the life of the facility. This fund may consist of a letter of credit from a State of Georgia licensed-financial institution. All costs of the financial security shall be borne by the applicant.

Section 8. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including any exhibits, as enacted.

ORDAINED this _____ day of _____, 2024.

CITY OF COLLEGE PARK, GEORGIA

_____
Roderick Gay, *Mayor Pro Tem*

ATTEST:

_____(SEAL)
Shavala Ames, *City Clerk*

APPROVED AS TO FORM:

_____
City Attorney