

Chapter 484

SOLAR ENERGY SYSTEMS

GENERAL REFERENCES

Building construction — See Ch. 395.

Zoning — See Ch. 425.

Subdivision of land — See Ch. 410.

Property maintenance — See Ch. 475.

§ 484-1. Legislative intent.

Solar energy electrical systems in the Town will reduce the need for additional electrical generation and distribution and tend to reduce atmospheric pollution that is considered harmful to the environment. There is a need to recognize both the permitted use and the regulation of solar energy systems because their placement within the Town of Bethany Beach affects both building site improvements as well as overall Town aesthetics. The use of solar energy systems is encouraged in the Town of Bethany Beach.

§ 484-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURES — All accessory structures shall be located within the rear yard space on a lot or plot on which a principal building or structure is erected or is being erected and shall be limited to three in number, including any detached garage. Accessory structures shall comply with all safety and structural requirements set by the Bethany Beach Building Inspector. No accessory structure or projection thereof shall be less than five feet from a property line. See § 425-10, Accessory buildings.

SOLAR ENERGY EQUIPMENT — Items including but not limited to solar panels, lines, pumps, batteries, mounting brackets, framing and/or foundations used for or intended to be used for the collection of solar energy in connection with a building on residential, municipal or commercial properties. Solar energy equipment and its use is accessory to the principal use of the property.

SOLAR ENERGY SYSTEMS — An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a building's energy requirements.

§ 484-3. Regulations.

- A. Solar energy systems are a permitted use in all zoning districts.
- B. The placement of solar energy equipment on roofs of principal buildings is preferred and encouraged. For Town aesthetic purposes, the front

slope of the principal building shall not be used unless no other location of the solar energy equipment is feasible.

- C. All exterior plumbing and electrical lines must be painted and/or coated to match the color of adjacent roofing material and walls. All visible exterior plumbing and electrical lines must not be installed in any portion of the front of the property. Aluminum trim, if used and visible, should be anodized or otherwise color treated to blend into the surroundings as much as possible.
- D. Roof-mounted solar energy systems on the principal building shall not be more than three feet higher than the finished roof to which it is mounted. In no instance shall any part of the solar energy panels extend beyond the edge of the roof.
- E. Roof-mounted solar energy equipment shall be located so as not to increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
- F. There is no limit to the number of modules and arrays installed on each property that comprise a solar energy system. The number of solar panels and supporting equipment shall be considered as one system.
- G. The placement of ground-mounted solar energy equipment may be permitted if the solar energy equipment is unable to be located on the roof of the principal structure, but all ground-mounted solar energy equipment is considered to be accessory structures. Prepackaged UL-listed solar-energy-based lighting systems that do not involve any installation are exempt from this provision.
- H. Solar energy commercial operations are prohibited as a principle use. These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on the site.
- I. Only commercially made and professionally installed solar energy systems are permitted. All solar energy systems shall be installed by licensed installers that are approved as participating contractors by the Green Energy Fund and/or are certified installers by the NABCEP and/or have proof of professional training and licensure.

§ 484-4. Permitting and enforcement.

The Town, prior to issuing a building permit for the installation of any solar energy equipment, shall be provided with any requested information in regard to proving compliance with this chapter of the Town Code. This information may include but shall not be limited to the following:

- A. Sun and shadow diagrams specific to the installation, which would enable the Town to determine if solar access will be impaired due to the

proposed location or to the location of objects which may obstruct the solar access.

- (1) Solar pathfinder results shall be provided for all cases where shading occurs between 9:00 a.m. and 3:00 p.m.
 - (2) Results of the solar shade analysis must determine that 70% of the annual solar path's area is shade free to be considered for a solar energy grant.
- B. The Town may also require submission of detailed information, including maps, plans or dimensional sketches, showing the proposed location, including setbacks from property lines or distances from structures on neighboring properties.
- C. The Town may also require the submission of an as-built plan showing the actual location of any installed solar energy equipment. If the equipment is not installed as permitted, the Town may order its removal and/or its relocation, as appropriate.
- (1) All solar energy systems shall meet the minimum criteria as specified in the Green Energy Fund guidelines and shall be installed to meet all applicable local building and zoning codes. Manufacturers' specifications and proof of certification shall be submitted for review and approval.
- D. Any and all nonfunctioning and/or damaged solar panels or equipment shall be dismantled by a licensed professional as described herein and removed within three months of written notification from the Building Inspector. Failure to do so will be considered a violation under the Town's property maintenance ordinances and will be subject to penalties and fines as referenced in Chapter 1, General Provisions, § 1-1, Fines and penalties.