

May 2, 2015

Draft of Solar Panel and Windmill Standards Ordinance for Bethel

Article 1 Purpose

This article is established to create standards for construction of solar panels and windmills that are consistent and compatible with Bethel's historical character of existing buildings and structures.

Section 1. Guidelines for Solar Panels

A. Free Standing Solar Panel Guidelines and Requirements

1. Freestanding solar panels shall be installed in locations that minimize visibility from the public right of way. These systems shall be screened from the public right of way with materials such as fencing or landscaping of suitable scale for the Town.
2. Placement and design should not detract from the character or value of the surrounding properties.

B. Construction guidelines on existing structures

1. Solar panels should be installed on rear slopes or other locations not highly visible from the public right-of-way on existing primary structure. Panels should be installed flat and not alter the slope of the roof.
2. Roof structures on out buildings should have solar panel installations set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from public right-of-way and neighbors.
3. Solar panel installations should be positioned behind architectural features such as parapets, dormers, and chimneys to limit their visibility.
4. Solar panels and mounting systems that are compatible in color to the property's roof materials shall be used. Mechanical equipment associated with the photovoltaic system should be as unobtrusive as possible.
5. Solar systems in windows or on walls, siding and shutters shall be installed to limit visibility from the public right of way and neighbors.

C. Construction guidelines for new structures

1. If solar panels are to be used, they shall be integrated into the initial design of new construction or infill projects to assure cohesion of design and view from surrounding properties.

2. Solar panels shall be installed on rear slopes or other locations not highly visible from the public right of way on existing primary structure whenever possible. Panels should be installed flat and not alter the slope of the roof.
3. Roof structures on out buildings shall have solar panels set back from the roof edge to minimize visibility. Pitch and elevation should be adjusted to reduce visibility from the public right of way and neighbors.
4. Solar panels and mounting systems that are compatible in color to established roof materials shall be used. Mechanical equipment associated with the solar panel system should be as unobtrusive as possible.
5. Solar panels in windows or on walls, siding, or shutters shall be installed with limited visibility from the public right-of-way and neighbors.

D. Building placement and standard requirements

1. Solar panels shall be built to standards approved by the State of Delaware and Sussex County.
2. Set back for free standing structures is 30 feet from back and sides of lot. Solar panels are not permitted on front of structures.
3. Solar panel structures shall be no higher than 35 feet above ground level.

Section 2. Windmill Location and Guidelines

A. General guidelines for windmills

1. When determining the most appropriate placement for a windmill system, it is important to consider its impact on the surrounding neighborhood and roads.
2. The potential impact of the windmill on the applicant's property as well as its potential impact on the surrounding neighborhood, including existing views, must be considered.
3. The installation location having the least impact on the surrounding neighborhood and roadways shall be considered first.
4. Ancillary structures, when required, shall be included in the application for review and should be both suitably designed and appropriately screened.
5. Windmills must be built to State of Delaware and Sussex County standards.

B. Windmill installation requirements

1. The color of the windmill shall be a neutral color.
2. No graphics are permitted on the windmill structure or blades.
3. The maximum height to the top of the windmill blade is 35 feet.
4. The set back is 50 feet from the back and side edges of the lot. No windmill is permitted in front of a house.
5. The loudest noise for the windmill is 25 decibels.
6. The maximum diameter of the windmill blade is 3 feet.
7. Each individual property owner, owning multiple properties, shall be entitled to only one windmill in Bethel.
8. No guide wires can be used to support the windmill.
9. If a windmill becomes inoperable or is not used for over one year, it must be removed by the owner.
10. Only one windmill is permitted per lot.

Section 3. Enforcement, Violations, and Penalties:

- A. New solar panels and windmills shall comply with this ordinance. The Council shall appoint an Enforcement Officer to enforce the provisions of this ordinance. It shall be the duty of the Enforcement Officer to review all construction documents in order to ensure compliance with this ordinance.
- B. The Enforcement Officer shall provide for the inspection of required improvements during construction to ensure satisfactory completion by the applicant. The applicant shall be responsible for funding and construction of improvements necessitated by this project within the project site.
- C. If the Town Designee finds upon inspection that one or more of the requirements in this ordinance have not been constructed in accordance with these standards and specifications, the applicant shall be responsible for properly remedying deficiencies and completing the improvements. The Town Designee or Town Council shall give notice to the applicant of defects and violations found during inspections. The applicant shall cure all defects and violations within 90 days. If the applicant does not cure the defects or violations to the Town Council's satisfaction within 90 days, a stop work order shall be issued, and the Town Council may seek equitable relief. Prior to issuing a stop work order or revoking a building permit, the Town Designee shall provide written notice of the violation to the property owner. The written notice will specify the specific reasons why the ordinance has been violated. Appeal from

the decision of the Town Designee shall be to Council; and if necessary to Delaware Superior Court pursuant to 22 Del.C 328

- D. No building permits shall be issued until all fees are paid.
- E. The applicant shall reimburse the Town monthly, for its actual costs to employ qualified, professional, licensed Designee(s) (Town Designee) to conduct all activities necessary for the applicant to attain final approval of the project. If problems arise during construction and it is necessary to hire an attorney or a qualified, professional, licensed Designee to resolve the problems, the applicant shall reimburse the Town monthly for its actual cost to employ any Town Designees for these purposes. Payment of bills are due within 30 days and will bear interest at the rate of 1.00% per month.
- F. Fees for activities described in this ordinance are set forth in Table 2 of the Town of Bethel, Delaware, Land Use Ordinance or as the fees are revised by Town Council from time to time.

Section 4. Process to Apply for Bethel Solar Panels or Windmill Permit

A. Solar Panel and Windmill Permit Procedures and Approval Process

New solar panels and modifications to existing windmills shall comply with the terms of this ordinance.

B. Application for Permit

Applications for Bethel solar panels and windmill permits shall be completed by the applicants, on the Bethel building application form, and submitted to Council with a copy of the approved Sussex County building permit and with payment of required fees pursuant to the applicable Town ordinances.

C. Construction Standards

The Town recognizes the same building standards as Sussex County, Delaware which are the International Building Standards as the formal construction code for any new construction.

D. Requirements for Applications

1. Application for building permit approval shall be submitted to Council at least 20 days prior to the next regular meeting of the Council. Information submitted by the applicant less than 20 days prior to the next regular meeting of the Council may not be considered until the next following Council meeting unless otherwise approved for good cause.

2. The application shall be accompanied by fees in the amount specified in applicable Bethel ordinances.

3. The applicant shall provide the Town with 4 signed copies of the building permit application.

a. The applicant shall include a recent lot survey clearly showing lot lines, building locations, easements, abutting streets, and proposed site for windmill and solar panels.

4. The Council may make a decision on the application or decide to submit it to the Planning and Zoning Commission for consideration and recommendation to the Council.

a. If the Council decides to review the application without referring it to the Planning and Zoning Commission, the Council has 90 days from the date it is on Council's agenda to make a decision on the application unless the Council decides to extend this deadline for justified reasons.

b. If the Council refers the building application to the Planning and Zoning Commission for review, this Commission shall respond with its recommendation to Council within 90 days of its receipt by the Commission.

c. When the Commission recommendations have been forwarded to Council for final approval, the Council shall have 90 days to make its decision and to notify the applicant of its decision.

5. If the Council disapproves of the building permit application, the reasons for disapproval shall be submitted to the applicant in writing. The reasons for disapproval shall be remedied prior to resubmission of the application.

6. Expiration of Permits

Unless otherwise provided for in the Town of Bethel Ordinances, any permit obtained by the Applicant is valid for one year and may be renewed by a designee of the Council prior to its expiration for one additional year. Any property subject to a lien or found delinquent in payment of property taxes shall not be issued a permit.

7. Remedies

a. For any and every violation of the provisions of this ordinance, the owner, general agent, contractor, or applicant shall be subject to a civil penalty for each day of violation not to exceed two hundred fifty (\$250.00) per day for each violation.

b. For any violations of the provisions of this ordinance, the Bethel Town Council may require the violations be corrected and/or cease and desist and may seek equitable relief.