

ORDINANCE # 2021- 15

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LONG BEACH,
LAPORTE COUNTY, INDIANA REGARDING SOLAR ENERGY GENERATING
SYSTEMS**

WHEREAS, interest in and the availability of solar energy resources has become more prevalent in the State of Indiana; and

WHEREAS, it is the policy of the State of Indiana to promote the use of solar energy systems and to remove obstacles to their use; and

WHEREAS, the Town must balance addressing potential land use conflicts, protection of access to solar resources, and the encouragement of solar development with its duty and desire to promote and protect the public health and safety of its residents by regulating the use, placement, and development of solar energy systems within the Town; and

WHEREAS, the Town may not adopt any ordinance which has the effect of prohibiting or of unreasonably restricting the use of solar energy systems other than for the preservation or protection of the public health and safety; and

WHEREAS, it is the intent of the Town Council that the terms of this Ordinance shall be construed so as to promote the use and development of solar energy systems within the Town as well as the protection of the public health and safety of the residents of the Town,

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Long Beach Town Council that **TITLE XV, CHAPTER 154, SECTION 154.080, ET. SEQ. shall be added to the Town Code and read as follows:**

SOLAR ENERGY SYSTEMS

154.080. Scope and Purpose.

- A. Scope. This Section applies to all solar energy installations in the Town of Long Beach, Indiana (the "Town").
- B. Intended Purpose. This Section provides regulations for Solar Energy Systems as an alternative energy-providing source. These regulations shall guide the safe and effective use and installation of Solar Energy Systems throughout the Town while taking care to avoid adverse effects as to cost or efficacy of the system in accordance with I.C. § 36-7-2-8.

154.081. Systems Permitted and Applicability of Other Town Ordinances.

All buildings shall be allowed to incorporate Solar Energy Systems in their design, provided they are in compliance with the applicable requirements set forth in this Ordinance and all building and zoning ordinances of the Town, including all lot and setback requirements. A building permit shall be required for all such systems.

154.082. Restrictions on Solar Energy Systems.

In addition to the requirements set forth in Section 154.081, Solar Energy Systems shall comply with the following requirements:

- A. Solar Energy Systems may be roof-mounted and or ground-mounted in the rear yard only.
 - 1. Height. The Solar Energy Systems shall generally comply with general height restrictions set forth in the Zoning Code. However, ground-mounted Solar Energy Systems shall not exceed fifteen feet (15') in height when oriented at maximum tilt.
- B. Setback. In addition to meeting the accessory structure setback requirements set forth in the Town Code, Solar Energy Systems shall comply with the following standards:
 - 1. Roof-mounted Solar Energy Systems. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
 - 2. Ground-Mounted Solar Energy Systems. Ground-mounted Solar Energy Systems may not extend into the side-yard or rear setback when oriented at minimum design tilt except as permitted under the Zoning Code.
- C. Visibility. In general, Solar Energy Systems shall be designed to minimize visual impacts from the public right-of-way and subject to the following considerations:
 - 1. Building Integrated Systems. Building integrated Solar Energy Systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all other provisions of the Zoning Code.
 - 2. Aesthetic Restrictions. Roof-mounted solar energy systems shall be permitted or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley or if the system meets the following criteria:

- a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
 - b. Roof-mounted systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
3. Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

D. Screening.

1. Visual Impact. If a Solar Energy System can be viewed from a public right-of-way or adjacent property, the Town, by and through its Building Commission, as appropriate, may require screening if it first determines there is a clear community interest in maintaining a view shed. Screening requirements imposed by the Town should be reasonable, practical and should not unreasonably impair the efficiency of the Solar Energy System.
2. Large Solar Structures. Any ground mounted Solar Energy System exceeding four hundred (400) square feet shall be screened from existing residential dwellings and public rights-of-way, and a landscape plan shall be submitted with the building permit application that identifies the type and extent of the proposed screening.

E. Compliance and Components:

1. Approved Solar Components. Electric Solar Energy System components must have an Underwriters Laboratory (UL) or equivalent listing and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.
2. Compliance with Building Code. All Solar Energy Systems shall comply with the Town building code, consistent with the State of Indiana Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
3. Compliance with State Electric Code. All photovoltaic Solar Energy Systems shall comply with the Indiana State Electric Code.
4. Compliance with State Plumbing Code. All solar thermal systems shall comply with the applicable Indiana State Plumbing Codes requirements.

5. Utility Notification. No solar energy generating structure shall be installed until evidence has been provided to the Town that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator and an interconnection agreement between the utility and the customer has been executed.


154.083. Decommissioning.

The title owner of a property utilizing a Solar Energy System shall notify the Town if the use of a Solar Energy System is discontinued or otherwise abandoned, and all solar energy generating structures shall be removed from the site within one hundred eighty (180) days from the discontinuation or abandonment of use. Failure to comply with the requirements of this Solar Ordinance shall be subject to the penalties of Section 154.999 of the Zoning Code as well as all other enforcement remedies available under the law.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this 8th day of NOV., 2021.

LONG BEACH TOWN COUNCIL

By:



Bob LeMay, President



John Kocher



Mary Lou McFadden



John Wall



Mike Johnstone

ATTEST:



Bill de Funiak, Clerk-Treasurer