

BROWARD ROOFTOP SOLAR CHALLENGE

Planning & Zoning Committee

Wednesday, March 14, 2012

2:30pm – 4:00pm

GC Conference Rm. 329F

Conference Call: 954-357-5486

Minutes

Cathy Randazzo, Director, Broward County Planning and Redevelopment Division, called the meeting of the Broward Rooftop Solar Challenge Planning & Zoning Committee (PZC) to order at approximately 2:35pm. Ms. Randazzo stated that the PZC meeting is a public meeting and that public notice was provided in accordance with Florida's Sunshine Laws. Ms. Randazzo noted the meeting's change of venue from Room 329M to 329F and that signs had been posted to direct attendees to the new location. Ms. Randazzo opened the meeting with a request for self-introductions. The following people attended the meeting via conference call or in-person:

- Don Burgess, Broward County Natural Resources Planning & Management Division
- Matt Coyle, Broward County Planning & Redevelopment Division
- Heather Cunniff, Broward County Planning & Redevelopment Division
- Tanya Davis-Hernandez, City of North Lauderdale
- Jeff Day, Broward County Permitting, Licensing, & Consumer Protection Division
- Erin Deady, Erin L. Deady, P.A.
- Todd Messenger, Kendig Keast Collaborative
- Herb Parlato, Broward County Permitting, Licensing, & Consumer Protection Division
- Cathy Randazzo, Broward County Planning & Redevelopment Division
- Nancy Rubin, Broward County Attorney's Office
- Brad Swing, City of Sunrise

Ms. Randazzo welcomed those in attendance and briefly explained the purpose and scope of the project. To this end, Ms. Randazzo explained that Broward County and its 14 municipal partners had been awarded a \$646,367 grant from the United States Department of Energy to establish an expedited the permitting process for rooftop solar installations based on pre-approved and pre-reviewed plans. Ms. Randazzo stated that cities not included in the grant award are welcome to participate, with participation by all of Broward County's 31 cities being the goal.

The PZC will develop a model zoning ordinance that promotes solar technology and makes available best practices. The PZC also will work with the Outreach Committee to create a public awareness campaign to reach out to homeowners and homeowners associations. To this end, the PZC will examine existing ordinances from two perspectives: the removal of barriers to the installation of solar technology and the promotion of solar technology. Potential barriers that have been identified so far include height limitations, neighbors objections, and the fact that if solar installations are not specifically permitted in the zoning code, they might not be allowed at all.

Jeff Day discussed that the outcome of the PZC's work is envisioned to be a pre-approved menu of solar technology options that contractors, homeowners, and small business owners could

select from when applying for a permit to install rooftop solar energy systems. Mr. Day explained the pre-approved menu would include types of panels, mounting hardware, electrical connection systems, and metering devices. It is anticipated that the computerized system would generate a permit when an applicant selects from the pre-approved menu. Mr. Day stated that once the applicant receives the automated permit, the solar installation project would require inspections by building officials; but no zoning inspection would be required.

Tanya Davis raised a concern that various homeowners associations (HOAs) may have their own rules and regulations that do not allow the installation of solar technology. Mr. Day stated that Florida Statutes do not permit HOAs to regulate or disallow solar panels for purely aesthetic reasons. Mr. Day stated that education and outreach is needed regarding this issue. He further stated that solar panels may need to be exempted from the building height restrictions found in most zoning codes.

A discussion took place regarding how zoning codes could address solar installations in terms of their lists of permitted, not permitted, and accessory uses. Nancy Rubin stated that the Broward County Zoning Code considers a use to be prohibited if it is not specifically included in the list of permitted uses. Mr. Day stated he would consider a rooftop solar installation an accessory structure. Todd Messenger cautioned against calling solar installations uses and that they should be treated like digital cable television antennae and regulated as a structure.

Heather Cunniff inquired about how zoning codes might handle situations in which electricity generated by solar installations is sold back to the power grid. She questioned at what point rooftop solar installations would become uses rather than structures. Erin Deady stated that the sale of electricity is a function of the net metering rule and that Florida Power and Light limits the amount of electricity that may be sold to the grid. Ms. Deady provided a link regarding net metering rules.

Brad Swing stated that one obstacle in the City of Sunrise Code is that air conditioning and mechanical equipment are required to be screened from view; this provision essentially could block the required sunlight from the solar panels.

Ms. Randazzo suggested that zoning code provisions for the approval of solar systems that are not eligible for automatic/pre-approval should be considered as well.

It was decided the partner cities should be requested to review their existing zoning ordinances to determine the extent to which they comply with solar energy statutory requirements. Mr. Day and Herb Parlato stated they are willing to assist Ms. Randazzo with this request.

The PZC decided to forego the next meeting scheduled for March 21, 2012 to allow time for Ms. Rubin and Mr. Day to work on needed provisions in the Broward County Zoning Code which would be shared with the grant partners and other Broward County municipalities.

The meeting ended at 3:15pm.

Next Meeting – Wednesday, March 28, 2012
2:30pm - 4:00pm
GC Conference Rm. 329F
Conference Call #: 954-357-5486

