1	ORDINANCE NO. 2012-
2	AN ORDINANCE OF THE CITY OF
3	AMENDING CHAPTER, "ZONING CODE," TO CREATE A SECTION ENTITLED "ROOFTOP
4	PHOTOVOLTAIC SOLAR SYSTEMS," PROVIDING FOR ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS AS
5	PERMITTED ACCESSORY EQUIPMENT; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN
6	EFFECTIVE DATE.
7	BE IT ORDAINED BY THE CITY OF, FLORIDA:
8	Section 1. Chapter of the Code of Ordinances of the City of
9	, Florida, entitled "Zoning Code," is hereby amended to create a new
10	Section entitled "Rooftop Photovoltaic Solar Systems," to read as follows:
11	Sec. Rooftop Photovoltaic Solar Systems.
12	(1) Intent. The provisions contained herein are intended to promote the
13	health, safety, and general welfare of the citizens by removing barriers to the installation
14	of alternative energy systems and encourage the installation of rooftop photovoltaic
15	solar systems [pursuant to the U.S. Department of Energy Rooftop Solar Challenge
16	Agreement Number DE-EE0005701 ("Go SOLAR- Broward Rooftop Solar Challenge")
17	on buildings and structures within municipal limits. The provisions and exceptions
18	contained herein are limited to web based applications for pre-approved rooftop
19	photovoltaic solar system installations that utilize the Go SOLAR-Broward Rooftop Solar
20	Challenge permitting process.]
21	(2) Definitions. For purposes of this section, the following terms shall have
22	the meaning prescribed herein:
23	(a) Roof Line: The top edge of the roof which forms the top line of the building
24	silhouette or, for flat roofs with or without a parapet, the top of the roof.

Coding: Words in struck-through type are deletions from existing text. Words in underscored type are additions. Words in [brackets] are optional.

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1	(b) Rooftop photovoltaic solar system: A system which uses one (1) or more
2	photovoltaic panels installed on the surface of a roof, parallel to a sloped
3	roof or surface- or rack-mounted on a flat roof, to convert sunlight into
4	<u>electricity.</u>
5	(3) Permitted accessory equipment. Rooftop photovoltaic solar systems shall
6	be deemed permitted accessory equipment to [residential and commercial] conforming
7	and nonconforming buildings and structures in all zoning categories. Nothing contained
8	in this chapter, including design standards or guidelines included or referenced herein,
9	shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as
10	accessory equipment to conforming and nonconforming buildings, including buildings
11	containing nonconforming uses.
12	(4) Height. In order to be deemed permitted accessory equipment, the height
13	of rooftop photovoltaic solar systems shall not exceed the Roof Line, as defined herein.
14	For flat roofs with or without a parapet, in order to be deemed accessory equipment, the
15	rooftop photovoltaic solar system shall not be greater than five (5) feet above the roof.
16	(5) Permits. Prior to the issuance of a permit, the property owner(s) must
17	acknowledge, as part of the permit application, that: (a) if the property is located in a
18	homeowners' association, condominium association, or otherwise subject to restrictive
19	covenants, the property may be subject to additional regulations or requirements
20	despite the issuance of a permit by the City; and (b) the issuing of said permit for a
21	rooftop photovoltaic solar system does not create in the property owner(s), its, his, her,
22	or their successors and assigns in title, or create in the property itself a right to remain
23	free of shadows and/or obstructions to solar energy caused by development adjoining
24	on other property or the growth of any trees or vegetation on other property or the right

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1 to prohibit the development on or growth of any trees or vegetation on another
2 property.

3 (6) Tree Maintenance and removal. To the extent that the City has discretion
4 regarding the removal or relocation of trees, solar access shall be a factor taken into
5 consideration when determining whether and where trees may be removed or
6 relocated.

7 (7) Maintenance. The rooftop photovoltaic solar system shall be properly
8 maintained and be kept free from hazards, including but not limited to, faulty wiring,
9 loose fastenings, being in an unsafe condition or detrimental to public health, safety, or
10 general welfare.

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Section 2. <u>SEVERABILITY</u>.

12 If any portion of this Ordinance is determined by any Court to be invalid, the 13 invalid portion shall be stricken, and such striking shall not affect the validity of the 14 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion 15 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), 16 or circumstance(s), such determination shall not affect the applicability hereof to any 17 other individual, group, entity, property, or circumstance.

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Section 3. INCLUSION IN CODE.

19 It is the intention of the Board of City Commissioners that the provisions of this 20 Ordinance shall become and be made a part of the City Code; and that the sections of 21 this Ordinance may be renumbered or relettered and the word "ordinance" may be 22 changed to "section," "article," or such other appropriate word or phrase in order to 23 accomplish such intentions.

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1	Section 4. <u>EFFECTIVE DATE</u> .
2	This Ordinance shall become effective as provided by law.
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4	FILED WITH THE DEPARTMENT OF STATE
4 5	EFFECTIVE
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