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**ORDINANCE 2012-16**

**AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-  
THE-SEA, FLORIDA, AMENDING ARTICLE V “ZONING”  
OF CHAPTER 30, UNIFIED LAND DEVELOPMENT  
REGULATIONS, OF THE CODE OF ORDINANCES, BY  
AMENDING SECTION 30-313 “GENERAL PROVISIONS”  
TO CREATE A NEW SUBSECTION ENTITLED  
“ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS,”  
PROVIDING FOR ROOFTOP PHOTOVOLTAIC SOLAR  
SYSTEMS AS PERMITTED ACCESSORY EQUIPMENT;  
PROVIDING FOR SEVERABILITY, CONFLICTS,  
CODIFICATION, AND AN EFFECTIVE DATE**

16       **WHEREAS**, the US Department of Energy is offering grants to foster the removal of  
17 barriers to using photovoltaic energy in residential and commercial structures; and

18       **WHEREAS**, Broward County, in partnership with Florida Power & Light, Broward  
19 municipalities and photovoltaic vendors is applying for these federal grants to create a pilot  
20 program offering a one-stop, electronically approved, transparent and efficient permitting  
21 process for all of Broward County; and

22       **WHEREAS**, on August 23, 2011, the Town Commission approved the Town’s  
23 participation in a partnership with Broward County, the “SunShot Initiative: Rooftop Solar  
24 Challenge Program” (“SunShot”); and

25       **WHEREAS**, the Town Commission desires to encourage and support the use of  
26 photovoltaic energy; and

27       **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to  
28 the processing of any amendment to the land development regulations in Chapter 30 of the Code,  
and such notice was given of this amendment on August 21, 2012; and



54 pursuant to the U.S. Department of Energy Rooftop Solar Challenge Agreement Number  
55 DE-EE0005701 (“Go SOLAR- Broward Rooftop Solar Challenge”) on buildings and  
56 structures within the Town. The provisions and exceptions contained herein are limited  
57 to web based applications for pre-approved rooftop photovoltaic solar system  
58 installations that utilize the Go SOLAR-Broward Rooftop Solar Challenge permitting  
59 process.

60 (b) Definitions. For purposes of this section, the following terms shall have the meaning  
61 prescribed herein:

62 (1) Roof Line: The top edge of the roof which forms the top line of the  
63 building silhouette or, for flat roofs with or without a parapet, the top of  
64 the roof.

65 (2) Rooftop photovoltaic solar system: A system which uses one (1) or more  
66 photovoltaic panels installed on the surface of a roof, parallel to a sloped  
67 roof or surface- or rack-mounted on a flat roof, to convert sunlight into  
68 electricity on rooftops.

69 (c) Permitted accessory equipment. Rooftop photovoltaic solar systems shall be deemed  
70 permitted accessory equipment to residential and commercial conforming and  
71 nonconforming buildings and structures in all zoning categories. Nothing contained in  
72 this chapter, including design standards or guidelines included or referenced herein, shall  
73 be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory  
74 equipment to conforming and nonconforming buildings, including buildings containing  
75 nonconforming uses.

76 (d) Height. In order to be deemed permitted accessory equipment, the height of rooftop  
77 photovoltaic solar systems shall not exceed the Roof Line, as defined herein. For flat  
78 roofs with or without a parapet, in order to be deemed accessory equipment, the rooftop  
79 photovoltaic solar system shall not be greater than five (5) feet above the roof, subject to  
80 the height limits of the Town Charter.

81 (e) Permits. Prior to the issuance of a permit, the property owner(s) must acknowledge, as  
82 part of the permit application, that: (a) if the property is located in a homeowners'  
83 association, condominium association, or otherwise subject to restrictive covenants, the  
84 property may be subject to additional regulations despite the issuance of a permit by the  
85 Town; and (b) the issuing of said permit for a rooftop photovoltaic solar system does not  
86 create in the property owner(s), its, his, her, or their successors and assigns in title, or  
87 create in the property itself a right to remain free of shadows and/or obstructions to solar  
88 energy caused by development adjoining on other property or the growth of any trees or  
89 vegetation on such property or the right to prohibit the development on or growth of any  
90 trees or vegetation on such property.

91 (f) Tree Maintenance and removal. To the extent that the Town has discretion regarding the  
92 removal or relocation of trees, solar access shall be a factor taken into consideration when  
93 determining whether trees can be removed or relocated.

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

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98           **SECTION 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is  
99 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in  
100 no way affect the validity of the remaining portions of this Ordinance.

101           **SECTION 4. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or  
102 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

103           **SECTION 5. Codification.** This Ordinance shall be codified.

104           **SECTION 6. Effective Date.** This Ordinance shall become effective immediately upon  
105 adoption on second reading.

106           **SECTION 7. Adoption.** Passed on the first reading, this 24 day of September 2012.

107           Passed and adopted on the second reading, this 13<sup>th</sup> day of November, 2012.

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Mayor Roseann Minnet

115 Mayor Minnet  
116 Vice-Mayor Sasser  
117 Commissioner Brown  
118 Commissioner Dodd  
119 Commissioner Vincent


First Reading

Second Reading

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121 Attest:

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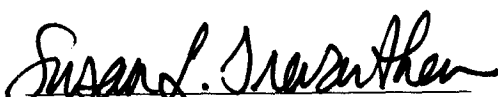


Town Clerk, June White, CMC

127 (CORPORATE SEAL)

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129 Approved as to form:

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Susan L. Trevarthen, Town Attorney

