

ORDINANCE NO. 2012-22

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
3 AMENDING CHAPTER 39 OF THE BROWARD COUNTY
4 CODE OF ORDINANCES ("CODE"); "ZONING";
5 AMENDING ARTICLE II, "DEFINITIONS"; AMENDING
6 ARTICLE IX, "GENERAL PROVISIONS," TO CREATE A
7 NEW SECTION 39-109, ENTITLED "ROOFTOP
8 PHOTOVOLTAIC SOLAR SYSTEMS"; PROVIDING FOR
9 ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS AS
10 PERMITTED ACCESSORY EQUIPMENT IN ALL ZONING
11 CATEGORIES; AND PROVIDING FOR SEVERABILITY,
12 INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

13 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
14 BROWARD COUNTY, FLORIDA:

15 Section 1. Chapter 39 of the Broward County Code of Ordinances, "Zoning,"
16 Section 39-4, "Terms defined," is hereby amended to read as follows:

17 **Sec. 39-4. Terms defined.**

18 ...

19 *Roof Line:* ~~The top edge of the roof or the top of the parapet, whichever forms~~
20 ~~the top line of the building silhouette or, for flat roofs with or without a parapet, the top of~~
21 ~~the roof.~~

22 *Rooftop Photovoltaic Solar System:* A system which uses one (1) or more
23 photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface
24 or rack-mounted on a flat roof, to convert sunlight into electricity.

...

Section 2. Article IX, "General Provisions," is hereby amended to create a new
Section 39-109, entitled "Rooftop photovoltaic solar systems," to read as follows:

1 **Sec. 39-109. Rooftop photovoltaic solar systems.**

2 (1) Intent. The provisions contained herein are intended to promote the
3 health, safety, and general welfare of the citizens by removing barriers to the installation
4 of alternative energy systems and encourage the installation of rooftop photovoltaic
5 solar systems on buildings and structures within unincorporated Broward County.

6 (2) Permitted accessory equipment. Rooftop photovoltaic solar systems shall
7 be deemed permitted accessory equipment to conforming and nonconforming buildings
8 in all zoning categories. Nothing contained in this chapter, including design standards
9 or guidelines included or referenced herein, shall be deemed to prohibit the installation
10 of rooftop photovoltaic solar systems that meet the requirements of this section, as
11 accessory equipment to conforming and nonconforming buildings, including buildings
12 containing nonconforming uses.

13 (3) Height. In order to be deemed permitted accessory equipment, the height
14 of rooftop photovoltaic solar systems shall not exceed the Roof Line, as defined herein.
15 For flat roofs with or without a parapet, in order to be deemed accessory equipment, the
16 height of the rooftop photovoltaic solar system shall not be greater than five (5) feet
17 above the roof.

18 (4) Permits. Prior to the issuance of a permit, the property owner(s) must
19 acknowledge, as part of the permit application, that: (a) if the property is located in a
20 homeowners' association, condominium association, or otherwise subject to restrictive
21 covenants, the property may be subject to additional regulations or requirements
22 despite the issuance of a permit by the County; and (b) the issuing of a permit for a
23 rooftop photovoltaic solar system does not create in the property owner(s), or any
24 successor or assign in title, or create in the property itself, a right to remain free of

1 shadows or obstructions to solar energy caused by development adjoining on other
2 property or by the growth of any trees or vegetation on other property or the right to
3 prohibit the development on or growth of any trees or vegetation on another property.

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

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

12 Section 3. SEVERABILITY.

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

19 Section 4. INCLUSION IN CODE.

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

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

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Section 5. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED June 26, 2012

FILED WITH THE DEPARTMENT OF STATE July 3, 2012

EFFECTIVE July 3, 2012

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05/23/2012
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