

Sec. 220-65. - Rooftop photovoltaic solar systems; Go SOLAR- Broward Rooftop Solar Challenge permitting process.

- (1) *Intent.* The provisions contained in this section are intended to promote the health, safety, and general welfare of the citizens of the city by removing barriers to the installation of alternative energy systems and to encourage the installation of rooftop photovoltaic solar systems pursuant to the U.S. Department of Energy Rooftop Solar Challenge Agreement Number DE-EE0005701 ("Go SOLAR-Broward Rooftop Solar Challenge") on qualifying buildings and structures. The provisions and exceptions contained in this section are limited to rooftop photovoltaic solar systems permitted through web-based applications for pre-approved rooftop photovoltaic solar system installations that utilize the "Go SOLAR" Broward Rooftop Solar Challenge permitting process.
- (2) *Definitions.* For purposes of this section, the following terms shall have the meaning prescribed in this section:
 - Roof line:* The top edge of the roof which forms the top line of the building silhouette or, for flat roofs with or without a parapet, the top of the roof.
 - Rooftop photovoltaic solar system:* A system which uses one (1) or more photovoltaic panels installed on the surface of a roof, parallel to a sloped roof or surface- or rack-mounted on a flat roof, to convert sunlight into electricity.
- (3) *Permitted accessory equipment.* Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to residential and commercial conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this chapter, including design standards or guidelines included or referenced in this section, shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as accessory equipment to conforming and nonconforming buildings, including buildings containing nonconforming uses, when such systems are installed pursuant to the Go SOLAR-Broward Rooftop Solar Challenge permitting process.
- (4) *Height.* In order to be deemed permitted accessory equipment, the height of rooftop photovoltaic solar systems shall not exceed the height of the roof line, as defined herein. For flat roofs with or without a parapet, in order to be deemed accessory equipment, the height of the rooftop photovoltaic solar system shall not be greater than five (5) feet above the roof.
- (5) *Permits.* Prior to the issuance of a permit, the property owner(s) must acknowledge, as part of the permit application, that:
 - (a) If the property is located in a homeowners' association, condominium association, or otherwise subject to restrictive covenants, the property may be subject to additional regulations or requirements despite the issuance of a permit by the city; and
 - (b) The issuing of a permit for a rooftop photovoltaic solar system does not create in the property owner(s), its, his, her, or their successors and assigns in title, or create in the property itself a right to remain free of shadows or obstructions to solar energy caused by development adjoining on other property or the growth of any trees or vegetation on other property or the right to prohibit the development on or growth of any trees or vegetation on another property.
- (6) *Tree maintenance and removal.* To the extent that the city has discretion regarding the removal or relocation of trees, solar access shall be a factor taken into consideration in determining whether and where trees may be removed or relocated.
- (7) *Maintenance.* All rooftop photovoltaic solar systems shall be properly maintained and be kept free from hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare.

(Ord. No. 2012-014, § 2, 8-14-12)