

**CITY OF NORTH LAUDERDALE
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Mayor and City Commission

FROM: Ambreen Bhatti, City Manager

BY: Tammy Reed-Holguin, Community Development Director

DATE: June 26, 2012

SUBJECT: Second Reading:
Amend Chapter 82 “Building and Building Regulation” to Add
Section 82-41 “Rooftop Photovoltaic Solar Systems” in the City’s
Code of Ordinances

APPLICANT: City of North Lauderdale

Background:

At the June 12th, 2012 City Commission meeting, the Commission approved the first reading of the attached ordinance amending Chapter 82 “Building and Building Regulation” to add Section 82-41 “Rooftop Photovoltaic Solar Systems” in the City’s Code of Ordinance. Tonight, we are presenting the same ordinance for second reading and final adoption.

The City of North Lauderdale has partnered with Broward County and thirteen other cities to create a uniform permitting process for Rooftop Photovoltaic Systems. This effort was made possible through a grant from the U.S. Department of Energy. The purpose of the project is to create a uniform process to remove barriers that would prevent residents and business owners from easily installing rooftop photovoltaic systems. The new process will be less costly, uncomplicated and time saving for all the parties involved.

Staff has worked closely with the County and other partners on the ordinance that is being presented tonight. By adding this section to the City Code of Ordinances, the City’s green initiative efforts will be facilitated. This new Code section will include new definitions and clarify the process and related matters on Rooftop Photovoltaic Systems. In time, it is hoped that by simplifying the permitting process and reducing the cost, the City will see an increased use of solar panels within North Lauderdale, which would benefit residents and the environment with lower energy costs and increased efficiency.

RECOMMENDATION:

The City Administration recommends Commission’s consideration and adoption on second reading of the attached Ordinance to amend Chapter 82 “Building and Building Regulation” to add Section 82-41 entitled “Rooftop Photovoltaic Systems” to the City Code of Ordinances.

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA,
AMENDING CHAPTER 82 "BUILDING AND BUILDING REGULATION"
BY ADDING SECTION 82-41, "ROOFTOP PHOTOVOLTAIC SOLAR
SYSTEMS" TO THE CODE OF ORDINANCES OF THE CITY OF NORTH
LAUDERDALE, PROVIDING FOR INCLUSION; PROVIDING FOR
SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of North Lauderdale adopted a Resolution on October 11, 2011 to join forces with thirteen other Cities and Broward County to obtain a grant to provide a uniformed permitting system for solar panels; and

WHEREAS, adding the specified section to the Code would provide for details on the subject matter of Rooftop Photovoltaic Systems; and

WHEREAS, the City Commission of the City of North Lauderdale finds that the adoption of this Ordinance is in the best interest of the citizens and residents within the City of North Lauderdale

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY
OF NORTH LAUDERDALE, FLORIDA THAT:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Chapter 82, Article II, Section 82-41 of the City of North Lauderdale's Code of Ordinances is hereby amended to read, as follows:

Sec. 82-41. Rooftop Photovoltaic Solar Systems

(1) *Intent.* The provisions contained herein are intended to promote the health, safety, and general welfare of the citizens by removing barriers to the installation of alternative energy systems and 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 buildings and structures within municipal

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limits. The provisions and exceptions contained herein are limited to 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 herein:

(a) *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.

(b) *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 herein, 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.

(4) *Height.* In order to be deemed permitted accessory equipment, the height of rooftop photovoltaic solar systems shall not exceed the Roof Line, as defined herein. For flat roofs with or without a parapet, in order to be deemed accessory equipment, 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 said 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 and/or obstructions to

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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 when determining whether and where trees may be removed or relocated.

(7) *Maintenance.* The rooftop photovoltaic solar system 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.

Section 3. It is the intention of the Board of Commission that the provisions of this Ordinance shall become and be made a part of the City Code; and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE FIRST READING, THIS 12th DAY OF JUNE, 2012.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS _____ DAY OF _____, 2012.

APPROVED AS TO FORM:

CITY ATTORNEY SAMUEL GOREN

MAYOR JACK BRADY

VICE MAYOR DAVID G. HILTON

ATTEST:

CITY CLERK PATRICIA VANCHERI

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