

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY HOLLYWOOD, FLORIDA,
AMENDING CHAPTER 151, "BUILDINGS", OF THE
HOLLYWOOD CODE OF ORDINANCES BY CREATING
SECTION 151.124 TO ESTABLISH REGULATIONS FOR
ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS.

WHEREAS, Chapter 151 of the Hollywood Code of Ordinances establishes the procedures and regulations for buildings/structures within the city; and

WHEREAS, Go Solar is part of a U.S. Department of Energy ("DOE") initiative, which strives to make solar energy cost-competitive with other forms of energy by the end of the decade; and

WHEREAS, the goal of reducing the installation costs of solar energy systems is to encourage the widespread, large-scale adoption of this renewable energy technology and restore the U.S. leadership in the global clean energy race; and

WHEREAS, DOE has implemented a Rooftop Solar Challenge which serves as an incentive for twenty-two regional awardees to make it easier for Americans to implement solar energy systems, and Broward County is one of the awardees; and

WHEREAS, Broward County and the City of Hollywood have entered into an Interlocal Agreement wherein the parties have agreed to work together under the DOE Go-Solar – Broward Rooftop Solar Challenge, which requires the establishment of regulations for Rooftop Photovoltaic Solar Systems; and

WHEREAS, by streamlining permitting processes, making available best management practices for building regulations, allowing solar power to be connected to the electric grid, and increasing access to financing, those participating in Go Solar will clear a path for rapid expansion of solar energy and serve as models for other communities in the State of Florida and across the nation; and

WHEREAS, the City Commission finds that it is in the best interest of the city to participate in the Go Solar-Broward Rooftop Challenge and establish regulations for Rooftop Photovoltaic Solar Systems;

(Coding: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Section 151.124 of the Hollywood Code of Ordinances entitled “Rooftop Photovoltaic Solar Systems” is hereby created as follows:

CHAPTER 151: BUILDINGS

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Building Safety Inspection Program

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Rooftop Photovoltaic Solar Systems

§151.124 Rooftop Photovoltaic Solar Systems.

(A) **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 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 buildings and structures within municipal 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.

(B) **Definitions.** For purposes of this section, the following terms shall have the meaning prescribed herein:

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.

(C) **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 districts ~~except for Historic structures and structures within the City’s Historic Districts.~~ Nothing contained in this section including design standards or guidelines included or referenced herein or

those design standards or guidelines referenced in the City's Zoning and Land Development Regulations, 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.

(D) **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.

(E) **Permits.** Prior to the issuance of a permit, the property owner(s) must acknowledge, as part of the permit application, that:

(1) 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

(2) 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 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.

(F) **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 consistent with Chapter 106 of the City's Code of Ordinances.

(G) **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.

Ordinance Creating Section 151.124 Rooftop Photovoltaic Solar Systems (Go Solar)

Section 2: That it is the intention of the City Commission and it is hereby ordained that the provisions of this ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of the Code may be renumbered to accomplish such intention.

Section 3: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4: That if any word, phrase, clause, subsection or selection of this ordinance is for any reason held unconstitutional or valid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

ADVERTISED on the _____ day of _____, 2014.

PASSED on first reading this _____ day of _____, 2014.

PASSED AND ADOPTED on second reading this _____ day of _____, 2014.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAILITY
for the use and reliance of the
City of Hollywood, Florida, only

JEFFREY P. SHEFFEL, CITY ATTORNEY