



**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** December 04, 2012

**TITLE:** Ordinance – Amending Chapter 9 of the Code of Ordinances to draft specific criteria for the permitting of Photovoltaic Solar Systems and amending Unified Land Development Regulation (ULDR) Section 47-19.2.Z, Roof Mounted Structures, to include a provision to permit Photovoltaic Solar Systems subject to specific criteria; amending Section 47-21.5, Landscape Plan Required, of the ULDR to include criteria for the location of trees on the subject site in relation to Photovoltaic Solar Systems; and amending Section 47-35.1 Definitions of the ULDR to Provide a definition of Photovoltaic Solar System.

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**Recommendation**

It is recommended the City Commission adopt an ordinance on second reading amending Chapter 9 of the Code of Ordinances and amending Unified Land Development Regulations (ULDR) Section 47-19.2.Z, Roof Mounted Structures; Section 47-21.5, Landscape Plan Required; and Section 47-35.1, Definitions.

**Background**

The City of Fort Lauderdale, along with other municipalities, has partnered with Broward County on the Go SOLAR – Broward Rooftop Solar Challenge initiative in order to further the goals of the U.S. Department of Energy (DOE) standards to reduce the installation costs of solar energy systems and promote the widespread adoption of renewable energy technology. The intent of this initiative is to make solar energy cost-competitive with other forms of energy by the end of the decade. The proposed code amendment will allow submittal of applications, issuing of permits, and scheduling of re-inspections for rooftop Photovoltaic Solar System (PV) permit applications through a web-based permitting system.

The list of municipalities participating in the Go SOLAR – Broward Rooftop Solar Challenge:

- Coconut Creek
- Davie
- Hallandale
- Lauderdale-by-the-Sea
- North Lauderdale
- Pompano Beach
- Tamarac
- Dania Beach
- Deerfield Beach
- Hillsboro Beach
- Miramar
- Oakland Park
- Sunrise
- Unincorporated Broward County

An interlocal agreement was entered into by the City of Fort Lauderdale and Broward County for permit related services in September 2012. As part of the initiative, Broward County has developed a model ordinance to address the installation requirements of Photovoltaic Solar Systems. Based on this model ordinance, staff is recommending new language to the ULDR establishing standardized criteria by which PV systems can be installed pursuant to the goals of the DOE. The proposed criteria will apply to both residential and non-residential structures in all zoning districts within the City.

Proposed Ordinance Criteria:

Code of Ordinances, Chapter 9 – Proposed Revisions:

1. Acknowledgement of the interlocal agreement;
2. Requirements for proper maintenance; and,
3. Establishment of fees.

Unified Land Development Regulations (ULDR) – Proposed Revisions:

Definition:

*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.

Permitted Zoning Districts:

Photovoltaic Solar System(s) shall be permitted as an accessory to conforming and legal non-conforming structures (including legal non-conforming uses) in all zoning districts

Height:

The height of a proposed Photovoltaic Solar System shall be limited to the roof peak for structures with pitched roofs or limited to a height of five (5) feet above a flat roof as defined in Section

## Planning and Zoning Board Meeting – October 17, 2012

On October 17, 2012, the item was heard by the Planning and Zoning Board under case 11T12 and was recommended for approval by a vote of 6-2 with a recommended condition of approval.

At the meeting the Board discussed the potential negative impacts on aesthetics that may be associated with the installation of rooftop PV systems. The Planning and Zoning Board made the following recommendation:

*Rooftop Photovoltaic Solar Systems shall be screened from view in the same manner as other roof mounted structures.*

Currently the ULDR requires roof mounted structures be screened with material that matches the material used for the principal structure and that the screening must be at least 6 inches above the upper most surface of the roof mounted structure.

While aesthetics are an important issue, this type of recommended condition is in direct conflict with the intent of the collaborative efforts between the County and it's partners to create a unified one-stop permitting process that is consistent between all of the participating municipalities. In addition, Rooftop Photovoltaic Solar Systems must be kept in direct sunlight to the greatest extent possible for efficient use and the requirement of screening may be in conflict with that need. It should also be noted that current ULDR requirements allow for an exemption for *solar collectors* (another term for Photovoltaic Solar Systems) from the screening requirements of roof mounted structures.

For more information please see the Planning and Zoning Board draft minutes attached as Exhibit 1.

For more information please see the Planning and Zoning Board staff report attached as Exhibit 2, the approved Broward rooftop solar photovoltaic rooftop mounting systems attached as Exhibit 3, and the draft ordinance attached as Exhibit 4.

### **Resource Impact**

There is no fiscal impact associated with this action.

#### Attachment(s)

Exhibit 1 – Draft 10/17/12 PZB Minutes

Exhibit 2 – PZB Staff Report

Exhibit 3 – Approved Rooftop Mounting Systems

Exhibit 4 – Proposed Ordinance

Prepared by: Anthony Fajardo, Acting Zoning Administrator

Department Director: Greg Brewton, Sustainable Development