

ORDINANCE NO. 262

1 AN ORDINANCE OF THE TOWN OF HILLSBORO BEACH,
2 FLORIDA, PERTAINING TO THE ZONING CODE;
3 AMENDING CHAPTER FOUR (4), "ZONING CODE," TO
4 CREATE A SECTION ENTITLED "ROOFTOP
5 PHOTOVOLTAIC SOLAR SYSTEMS," PROVIDING FOR
6 ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS AS
7 PERMITTED ACCESSORY EQUIPMENT; PROVIDING
8 FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN
9 EFFECTIVE DATE.

10 BE IT ORDAINED BY THE Town of Hillsboro Beach, FLORIDA:

11 Section 1. Chapter Four (4) of the Code of Ordinances of the Town of
12 Hillsboro Beach, Florida, entitled "Zoning Code," is hereby amended to create a new
13 Section V entitled "Rooftop Photovoltaic Solar Systems," to read as follows:

14 **Sec. V - Rooftop Photovoltaic Solar Systems.**

15 (1) Intent. The provisions contained herein are intended to promote the
16 health, safety, and general welfare of the citizens by removing barriers to the installation
17 of alternative energy systems and encourage the installation of rooftop photovoltaic
18 solar systems [pursuant to the U.S. Department of Energy Rooftop Solar Challenge
19 Agreement Number DE-EE0005701 ("Go SOLAR- Broward Rooftop Solar Challenge")
20 on buildings and structures within municipal limits. The provisions and exceptions
21 contained herein are limited to web based applications for pre-approved rooftop
22 photovoltaic solar system installations that utilize the Go SOLAR-Broward Rooftop Solar
23 Challenge permitting process.]

24 (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.

1 (b) Rooftop photovoltaic solar system: A system which uses one (1) or more
2 photovoltaic panels installed on the surface of a roof, parallel to a sloped
3 roof or surface- or rack-mounted on a flat roof, to convert sunlight into
4 electricity.

5 (3) Permitted accessory equipment. Rooftop photovoltaic solar systems shall
6 be deemed permitted accessory equipment to [residential and commercial] conforming
7 and nonconforming buildings and structures in all zoning categories. Nothing contained
8 in this chapter, including design standards or guidelines included or referenced herein,
9 shall be deemed to prohibit the installation of rooftop photovoltaic solar systems as
10 accessory equipment to conforming and nonconforming buildings, including buildings
11 containing nonconforming uses.

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

16 (5) Permits. Prior to the issuance of a permit, the property owner(s) must
17 acknowledge, as part of the permit application, that: (a) if the property is located in a
18 homeowners' association, condominium association, or otherwise subject to restrictive
19 covenants, the property may be subject to additional regulations or requirements
20 despite the issuance of a permit by the Town; and (b) the issuing of said permit for a
21 rooftop photovoltaic solar system does not create in the property owner(s), its, his, her,
22 or their successors and assigns in title, or create in the property itself a right to remain
23 free of shadows and/or obstructions to solar energy caused by development adjoining
24 on other property or the growth of any trees or vegetation on other property or the right

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

1 to prohibit the development on or growth of any trees or vegetation on another
2 property.

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

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

11 Section 2. SEVERABILITY.

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

18 Section 3. INCLUSION IN CODE.

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

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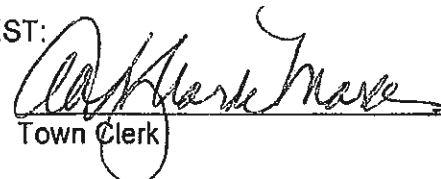
1 Section 4. EFFECTIVE DATE.

2 This Ordinance shall become effective as provided by law.

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4 PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
5 HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS 10th DAY OF
6 July, 2012.

7 PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO
8 BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 17th DAY OF
9 September, 2012.

10 By: 
Dan Dodge, Mayor

11 ATTEST:
12 By: 
13 Town Clerk

14
15 H:_GOV CLIENTS\Hillsboro Bch 1182\060649 HB\ORD 2012\Go SOLAR Model Zoning Ordinance NR to reflect changes in
16 Broward County version.doc



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