



# Model Zoning Ordinance

September 2014



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## Disclaimer

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# Go SOLAR Florida Model Zoning Ordinance

ORDINANCE NO. 2014-

AN ORDINANCE OF THE *JURISDICTION* OF \_\_\_\_\_, FLORIDA, PERTAINING TO THE ZONING CODE; AMENDING CHAPTER \_\_\_\_\_, "ZONING CODE," TO CREATE A SECTION ENTITLED "ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS," PROVIDING FOR ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS AS PERMITTED ACCESSORY EQUIPMENT; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE *JURISDICTION* OF \_\_\_\_\_, FLORIDA:

Section 1. Chapter \_\_\_\_\_ of the Code of Ordinances of the *JURISDICTION* of \_\_\_\_\_, Florida, entitled "Zoning Code," is hereby amended to create a new Section \_\_\_\_\_ entitled "Rooftop Photovoltaic Solar Systems," to read as follows:

**Sec. \_\_\_\_\_ 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-EE0006309 ("Go SOLAR - Florida Rooftop Solar Challenge II") 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-Florida online 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 JURISDICTION; 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 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 JURISDICTION 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 2. SEVERABILITY.

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

Section 3. INCLUSION IN CODE.

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

Section 4. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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