

SOLAR PANELS AND HOME BATTERY SYSTEMS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDRs) OF THE CITY CODE; BY AMENDING CHAPTER 142, ENTITLED, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II "DISTRICT REGULATIONS", TO ALLOW FOR SOLAR PANELS AND HOME BATTERY SYSTEMS WITHIN SETBACKS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City of Miami Beach seeks to remove inconsistencies between the City Code and the Florida Building Code; and

WHEREAS, the amendments set forth below is necessary to accomplish all of the above objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Chapter 142, entitled "Zoning Districts and Regulations" is hereby amended as follows:

Sec. 142-106. - Setback requirements for a single-family detached dwelling.

(b) Allowable encroachments within required yards.

* * *

(5) *Central air conditioners, emergency generators, swimming pool equipment, solar panels, home battery systems and other similar mechanical equipment.* Accessory central air conditioners, generators, swimming pool equipment, solar panels, home battery systems and ~~any~~ other similar mechanical equipment, including attached screening elements, may occupy a required side or rear yard, provided that:

- a. They are not closer than five feet to a rear or interior side lot line, or ten feet to a side lot line facing a street.
- b. The maximum height of the equipment, including attached screening elements, shall not exceed five feet above current flood elevation, with a maximum height not to exceed ten feet above grade, as defined in section 114-1, of the lot on which it is located.
- c. If visible from the right-of-way, physical and/or landscape screening shall be required.
- d. Any required sound buffering equipment shall comply with the setback requirements established in subsection (5)a., above.

- e. If the ~~central air conditioning and other mechanical~~ equipment does not conform to subsections ~~(1), (2), (3), and (4)~~ (a), (b), (c), and (d) above, then such equipment shall follow the setbacks of the main structure.

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2021.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado City Clerk

First Reading: _____, 2021

Second Reading: _____, 2021

Verified by: _____

Thomas Mooney, AICP
Planning Director