Solar Panels – Setback Exceptions in Single-Family Districts

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 2, ENTITLED "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY AMENDING SECTION 142-106, ENTITLED "SETBACK REQUIREMENTS FOR A SINGLE-FAMILY DETACHED DWELLING," TO MODIFY SINGLE-FAMILY SETBACK REGULATIONS PERTAINING TO SOLAR PANELS AND RELATED EQUIPMENT; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, 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, this Ordinance modifies the City's single-family home setback regulations to permit solar panels and related equipment to encroach into required yards; and

WHEREAS, the amendments below will promote sustainable and resilient development.

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," Article II, entitled "District Regulations," Division 2, entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended as follows:

CHAPTER 142
ZONING DISTRICTS AND REGULATIONS

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ARTICLE II. – DISTRICT REGULATIONS

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DIVISION 2. – RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

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

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(b)　Allowable encroachments within required yards.

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(5)　*Central air conditioners, emergency generators, swimming pool equipment, <u>solar panels, home battery systems</u> and other <u>similar</u> mechanical equipment.* Accessory central air conditioners, generators, swimming pool equipment, <u>solar panels, home battery systems</u>

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and ~~any~~ other <u>similar</u> 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 do<u>es</u> not conform to subsections ~~(1), (2), (3), and (4)~~ <u>(a), (b), (c), and (d)</u> above, then such equipment shall follow the setbacks of the main structure.

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SECTION 2. Repealer.
All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. Codification.
It is the intention of the City Commission, 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 as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. Severability.
If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. 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: October 13, 2021
Second Reading: December 8, 2021

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

_____   9-27-21
City Attorney   Date