

ORDINANCE NO. 19-____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO SOLAR ENERGY SYSTEMS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS”, AT ARTICLE VI, “SUPPLEMENTARY REGULATIONS”, AND AT ARTICLE VII, “ENVIRONMENTAL REGULATIONS” PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its strategic plan “Imagine Miami Lakes 2025” the Town of Miami Lakes has expressed a desire to embrace new technologies sustainable practices and;

WHEREAS, the SolSmart program is a national designation program for solar that is funded by the Department of Energy SunShot Initiative to recognize communities that have taken key steps to address local barriers to solar energy; and

WHEREAS, the new regulations provide required standards and clear approval processes required for differently sized solar systems; and

WHEREAS, on March 19, 2019, at a publicly advertised workshop, staff presented different SolSmart designation options to the Town Council, upon which the Council considered and expressed its desire to obtain Gold designation; and

WHEREAS, as of August 20, 2019 the Town of Miami Lakes has been determined to be eligible for Bronze designation by the SolSmart Team, including a Special Recognition Award for obtaining over 60 percent of the points available in the inspection section.

WHEREAS, the amendment at Exhibit “A” is reflective of the Town Council’s desire as expressed at the March 19, 2019, workshop; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the

LDRs and recommends approval, as set forth in the Staff Analysis and Recommendation dated July 24, 2019 and incorporated into this Ordinance by reference; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on July 24, 2019, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed the proposed amendment and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on September 10, 2019, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council moved the proposed amendment on first reading for consideration of adoption; and

WHEREAS, The Town Council finds that the proposed amendment to is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the LDRs found in Subsection 13-306(b) of the Town Code; and

WHEREAS, on _____, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council finds it in the public interest to adopt the proposed ordinance.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. The Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found at Subsection 13-306(b) of the Town Code as provided for in the Staff Recommendation and Analysis Report.

Section 3. Approval. The Town Council hereby adopts the amendment as provided at Exhibit "A"

Section 4. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be included in the Town Code.

Section 7. Effective date. This Ordinance shall become effective immediately upon adoption.

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this ____ day of _____, 2019.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this ____ day of _____, 2019.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

Chapter 13 - LAND DEVELOPMENT CODE

* * *

ARTICLE IV. - ZONING DISTRICT REGULATIONS

* * *

DIVISION 2. - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS RU-1, RU-1A, RU-1B, RU-1Z AND RU-2

* * *

Sec. 13-425. - Accessory uses.

* * *

(4) Accessory use solar energy systems as defined and subject to Sec. 13-1702.

* * *

DIVISION 3. - RU-TH TOWNHOUSE DISTRICT

* * *

Sec. 13-443. - Uses permitted.

* * *

(3) Accessory use solar energy systems as defined and subject to Sec. 13-1702.

* * *

DIVISION 4. - RM-13 LOW DENSITY RESIDENTIAL DISTRICT (RU-3M)

* * *

Sec. 13-464. - Accessory uses.

The accessory uses in the RM-13 District are those uses customarily associated with multifamily residential buildings and are for use of the residents only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, noncommercial boat piers or docks, accessory use solar energy systems, etc. Accessory uses shall be located on the same lot as the main use. Accessory use solar energy systems shall comply with Sec. 13-1702.

* * *

DIVISION 5. - RM-23 LOW MEDIUM DENSITY RESIDENTIAL DISTRICT (RU-4L)

* * *

Sec. 13-484. - Accessory uses.

The accessory uses in the RM-23 District are those uses customarily associated with multifamily residential buildings and are for use of the residents only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, noncommercial boat piers or docks, accessory use solar energy systems, etc. Accessory uses shall be located on the same lot as the main use. Accessory use solar energy systems shall comply with Sec. 13-1702. In addition, the following accessory uses are permitted:

* * *

DIVISION 6. - RM-36 MEDIUM DENSITY RESIDENTIAL DISTRICT (RU-4M)

* * *

Sec. 13-504. - Accessory uses.

The accessory uses in the RM-36 District are those uses customarily associated with multifamily residential buildings and are for use of the residents only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, noncommercial boat piers or docks, accessory use solar energy systems, etc. Accessory uses shall be located on the same lot as the main use. Accessory use solar energy systems shall comply with Sec. 13-1702. In addition, the following accessory uses are permitted:

* * *

DIVISION 7. - RM-50 HIGH DENSITY RESIDENTIAL DISTRICT (RU-4)

* * *

Sec. 13-524. - Accessory uses.

The accessory uses in the RM-50 District are those uses customarily associated with multifamily residential buildings and are for use of the residents only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, noncommercial boat piers or docks, accessory use solar energy systems, etc. Accessory uses shall be located on the same lot as the main use. Accessory use solar energy systems shall comply with Sec. 13-1702. In addition, the following accessory uses are permitted:

* * *

DIVISION 20. - BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICT MASTER LIST

* * *

Sec. 13-748. - Business, Commercial and Industrial Use Master List.

* * *

Use	RO-13	RO-50	BU-1	BU-1A	BU-2	BU-3	IU-1	IU-2	IU-3	IU-C	TC	*Add'l Regs
<u>Solar energy systems, accessory use</u>	<u>P*</u>	§ 13-1702										
<u>Solar energy systems, primary use</u>							<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>		§ 13-1702

* * *

Additions to the text are shown in underlined; deletions from the text are shown in ~~struckthrough~~.
 Omitted portions of this ordinance are shown as “* * *”.

ARTICLE VII. – ALTERNATIVE ENERGY SYSTEMS AND ENVIRONMENTAL REGULATIONS

* * *

Sec. 13-1702. – Solar energy systems

- (a) Definitions: The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory Use Solar energy system means a solar energy system with the legally permitted use of providing for the collection, storage, and distribution of solar energy for the use or benefit of the primary use onsite. The solar energy system should be sized such that the energy produced is reasonably equivalent to the onsite use or less; any selling of excess energy is incidental and in accordance with state law and utility net metering policy.

Ground-mounted Solar energy system means a solar energy system where the solar collectors are arranged on one or more racking systems structurally anchored to the ground by foundations or mounted on ballasted footings where appropriate.

Pole-mounted Solar energy system means a solar energy system where the solar collectors are arranged on a racking system elevated from and structurally attached to the ground by a pole anchored directly into the ground.

Primary Use Solar energy system means a solar energy system with the legally permitted use of providing for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating for use primarily offsite.

Solar collector means a component of a solar energy system with the primary purpose of transforming solar radiant energy into thermal, mechanical, chemical, or electrical energy.

- (b) Solar energy systems, accessory use.

- (1) Accessory use solar energy systems are permitted by right in all zoning districts and shall comply with the conditions established in this section, all applicable development standards for each zoning district, and permitting requirements.
- (2) Prior to issuing permits, the administrative official may request that the property owner provide written certification that the energy produced by the solar energy system is reasonably equivalent to the electrical usage of the property and any selling of excess energy is incidental. This provision shall not have the effect of

prohibiting the installation of *solar* energy systems on properties without historical usage data, in accordance with F.S. § 163.04.

(3) Rooftop systems.

- a. Sloped roofs—Height. On sloped roofs, the highest point of the *solar* collectors shall not exceed the highest rooftop peak and must be installed parallel to the roof surfaces to which they are attached provided such location does not impair the effective operation of the *solar* collectors. *Solar* collectors may be mounted up to one foot above roof surfaces to which they are attached.
- b. Flat roofs—Height. On flat roofs, the highest point of the system shall be permitted to exceed the district's height limit by a maximum of six feet above the rooftop to which it is attached.

(4) Ground-mounted systems.

- a. *Ground-mounted solar energy systems* shall not exceed the lesser of 25 feet or the height of the primary structure.
- b. *Ground-mounted solar energy systems* shall not be located closer than six feet from the primary structure, unless the system is architecturally integrated into the primary structure or form part of another accessory structure, including, but not limited to, gazebos, awnings, carports, shade structures, or other such structures as determined by the planning and zoning administrator.
- c. *Screening and fencing.* Systems over six feet shall be required to be either screened with an opaque fence, or preferably, integrated into the main structure or an accessory structure such as a gazebo, carport or shade structure. Systems under six feet shall be screened with landscape, opaque fence or combination. The planning and zoning administrator may recommend additional or alternative specific types of fencing, screening, and/or walls appropriate to the site and surrounding land uses.
- d. Ground-mounted systems may be sited in either side, corner, or rear yard areas following applicable setbacks for accessory structures. Ground-mounted systems may be sited in front yards only if the system is architecturally integrated into the primary structure, including, but not limited to, awnings, carports, shade structures, or other such structures as determined by the planning and zoning administrator.

(5) Pole-mounted systems shall be permitted by-right in each zoning district, subject to all of the requirements for ground-mounted *solar* energy systems except provisions pertaining to screening and fencing.

- (c) Primary use solar energy systems are permitted only in Industrial (IU-C), Governmental Facilities (GF) or Interim Districts (GU).
- (d) Decommissioning. The administrative official may request proof of operation from the property owner, due within 14 days of the request. Any system which becomes inoperable shall at the owner's expense be made operational or shall be removed from the property within 90 days of the date the system became inoperable.