

Ordinance No. 11-21-2401

**An Ordinance amending Land Development Code Section 20-3.6(W)
concerning Solar Requirements**

WHEREAS, City of South Miami has established goals related to the elimination of carbon dioxide and other greenhouse gases; and

WHEREAS, the South Miami Land Development Code was amended in 2017 to require the installation of solar photovoltaic systems on certain residential construction projects to help achieve that goal; and

WHEREAS, the City Commission recognizes that there are other means of achieving a reduction in the emission of carbon dioxide and other greenhouse gases; and

WHEREAS, on April 13, 2021, the Planning Board held a public hearing on the proposed amendment and deferred voting on the item to allow revisions based on the public comments; and

WHEREAS, on May 11, 2021, after a public hearing, the Planning Board considered the amendments and voted five (5) to one (1) to recommend denial of the proposed text changes; and

WHEREAS, the City Commission wishes to amend Section 20-3.6(W) of the Land Development Code to offer, as an alternative to the installation of solar photovoltaic systems, a payment into a trust fund dedicated to the installation of solar photovoltaic systems on city-owned property.

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

Section 1. The foregoing recitals are hereby ratified and incorporated by reference as if fully set forth herein and as the legislative intent of this Ordinance.

Section 2. The City's Land Development Code Section 20-3.6(W) is hereby amended to read as follows:

ARTICLE III. – Zoning Regulations

20-3.6 – Supplemental Regulations.

(W) *Solar Requirements*

~~*Applicability.*~~ *Applicability.* All new construction of single-family residences with living area greater than one thousand one hundred (1,100) square feet, townhouses, and any multi-story residential building where a section of roof can be reasonably allocated, as determined by the Director of the Building Department or the Planning and Zoning Department, to a separately metered dwelling unit (hereinafter referred to as "qualifying multi-story residential building"), that ~~apply for preliminary approval (or final approval if no preliminary approval was obtained) by the Environmental Review and Preservation Board on or after September 18, 2017 shall design and construct the roof so as to withstand the weight of all product approved roofing material with the weight of solar collectors and shall install at least the minimum amount of solar collectors required in subsection (2) of this section (W). This requirement shall also apply to existing residential buildings as described above, if an alteration or addition is made that either increases the square footage of the principal structure by seventy-five (75) percent or greater, or that replaces seventy-five (75) percent or more of the existing sub-roof (any portion of the sub-roof that is necessarily replaced due to damage from a natural disaster shall not be included in the calculation of this percentage).~~ and all alterations or additions made to existing residential structures that either increases by seventy-five percent or more the air-conditioned square footage of the structure, or that replaces seventy-five (75) percent or more of the existing sub-roof (any portion of the sub-roof that is necessarily replaced due to damage from a natural disaster shall not be included in the calculation of this percentage) must either

(a) install solar collectors in the amount set forth in Subsection (W)(2) below, or;

(b) pay a fee as set forth in Subsection (W)(3), to the City of South Miami Solar Trust Fund.

(1) Solar Collectors.

(a) Design and construct the roof so as to withstand the combined weight of all product approved roofing material and the weight of solar collectors and install at least the minimum number of solar collectors required in Subsection (W)(2)(b).

~~(b)(2)~~ *Minimum Required Installation.* Solar collectors shall be installed in at least the following amounts, provided a sufficient solar zone exists to accommodate them as determined by the certification of an architect or engineer who shall also certify the total size of available solar zone in square feet: Either install

- i. A minimum of one solar panel with a rating of two and three-quarters (2.75 kW nameplate photovoltaic capacity per one thousand (1,000) square feet of roof area or the maximum number for which provided there is sufficient space within the available roof top solar zone, whichever is less; or
- ii. One hundred seventy-five (175) square feet of a solar collectors thermal system per one thousand (1,000) square feet of roof area, or the maximum number for which there is sufficient space within the available roof top solar zone, whichever is less.
- iii. ~~Sufficient solar collectors to fill the available solar zone, to the extent that such construction is allowed by the Florida Building Code.~~

(3c) *Avoiding the Creation of Shade.* Structures ~~shall~~ must be designed in such a way so as to maximize the available solar zone and ~~for structures which have been designed by an architect or engineer, the plans submitted shall must include a certificate from the architect or engineer of record certifying that the design of the structure has maximized the available solar zone. The available solar zone does not include areas that are obstructed by objects that~~ Obstructions which are not located on the roof or another part of the same building, such as landscaping or a neighboring building are not subject to these placement requirements.

(4d) *Minimum Specifications for Solar Collectors.*

- i. Solar photovoltaic systems: Photovoltaic collectors satisfying the requirements of this section shall be at rated at no less than ten (10) watts DC faceplate capacity per square foot.

- ii. Solar thermal systems: Single-family residential solar domestic water heating systems shall be OG-300 System Certified by either the Solar Rating and Certification Corporation (SRCC) or the International Association of Plumbing and Mechanical Officials (IAPMO).
 - iii. Solar photovoltaic systems and solar thermal systems shall must be installed in accord with all applicable state code requirements, including access, pathway, smoke ventilation, and spacing requirements, all applicable local code requirements, and manufacturer's specifications.
- (5e) Approval and Compliance. The issuance of a City building permit for the installation of a solar collector must be obtained before the installation of a solar collector. All solar installations shall be permitted through the City. The plans shall must demonstrate that the requirements of the City code and the Florida Building Code are satisfied and the engineer or architect of record shall must sign and seal the plans indicating compliance. Subsequent review approval shall must be carried out through the standard review processes for residential construction. Inspection shall must be performed by the Building Department as per the City's permit requirements for solar power or water heating installations. Enforcement of this subsection shall will be carried out by the City including the Code Enforcement Division.
- (2) Payment-in-lieu. If solar panels are not installed as described above, then the property owner/applicant must pay a "Solar Collector Fee", in the amount set forth in the City's current Schedule of Fees and Fines. Said fee must be set at fifty (50%) percent of the cost, at market rate, to obtain the minimum amount of solar collectors that would otherwise be required.
- (3) Solar Collector Trust Fund.
- (a) Definitions. As used in this section, the following words shall have the following meanings:
- Fund means the Solar Collector acquisition and development fund.
- (b) Purpose. The fund is hereby created for the purposes of acquiring and developing Solar Collector Systems.
- (c) Funding sources. City budgeted funds as well as federal, state, county and private funding, including the Solar Collector Fees charged in lieu of the installation of Solar Collectors on property to be developed and other similar sources.
- (d) Use of funds. Any monies deposited into the Fund and their interest or investment earnings must be applied toward the acquiring and developing of Solar Collectors on City property.
- (e) Each year as part of the city's annual budget process, the City Manager must submit a proposed spending plan for the Fund.

Section 3. Codification. The provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of South Miami as amended.

Section 4. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, this holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. Ordinances in Conflict. All ordinances or parts of ordinances and all sections and parts of sections of ordinances in direct conflict herewith are hereby repealed.

Section 6. Effective Date. The amendments shall become effective immediately upon enactment.

PASSED AND ENACTED this 6th day of July, 2021.

ATTEST:


CITY CLERK

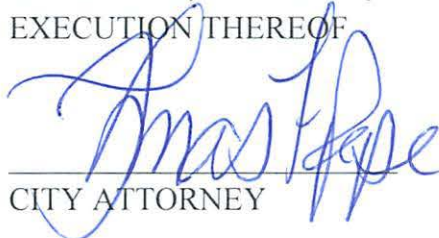
APPROVED:


MAYOR

1st Reading – 6/15/21

2nd Reading – 7/6/21

READ AND APPROVED AS TO FORM:
LANGUAGE, LEGALITY, AND
EXECUTION THEREOF


CITY ATTORNEY

COMMISSION VOTE:	5-0
Mayor Philips:	Yea
Commissioner Corey:	Yea
Commissioner Gil:	Yea
Commissioner Harris:	Yea
Commissioner Liebman:	Yea