

ORDINANCE NO. 14 - 1623

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”; AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS” TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 30, 2013 at a Joint Meeting of the Town Commission and Planning and Zoning Board there was a discussion regarding solar panels; and

WHEREAS, the Town Code is currently silent on solar panels; and

WHEREAS, Broward County has created a model ordinance that many municipalities are utilizing to make it easier for the public to move forward with solar panels; and

WHEREAS, the Town Commission held its first public reading on June 10, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the Local Planning Agency for the Town, held its hearing on the proposed amendments to the district regulations on June 26, 2014 with due public notice and input; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on July 8, 2014; and

WHEREAS, the Town Commission finds that the proposed Ordinance to the Code is in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. The code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-2. Definitions.

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.

* * *

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs
- (7) Trellis.
- (8) Rooftop Photovoltaic Solar Systems

* * *

Sec. 90-50.3 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.

(2) Permitted accessory equipment. Rooftop photovoltaic solar systems shall be deemed permitted accessory equipment to conforming and nonconforming buildings and structures in all zoning categories. Nothing contained in this chapter 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. The height of rooftop photovoltaic solar systems shall not be greater than five (5) feet above the roof and shall not exceed the Town’s maximum height limitation described in Section 90-44.1.

(6) Tree removal. Any removal of trees shall require a tree removal permit from Miami-Dade County.

(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.

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Section 3. **Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. **Conflict.** All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. **Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

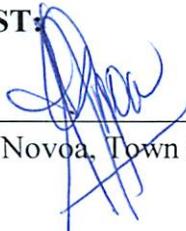
Section 6. **Effective Date.** This Ordinance shall be effective upon final adoption on second reading.

PASSED and ADOPTED on First Reading the 10th day of June, 2014.

PASSED and ADOPTED on Second Reading this 8th day of July, 2014.

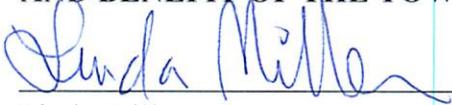

Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, Town Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:



Linda Miller
Town Attorney

On Final Reading Moved by: Vice Mayor Tourgeman
On Final Reading Seconded by: Commissioner Olchyk

VOTE ON ADOPTION:

Commissioner Barry R. Cohen	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Michael Karukin	yes	<u>ABSENT</u>	no	<input type="checkbox"/>
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Eli Tourgeman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>