

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-48

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 3, “USES”, SECTION 3-317, “PERMANENTLY INSTALLED STAND-BY GENERATORS” REMOVING THE DISTANCE REQUIREMENT OF TEN (10) FEET FROM ANY OPENING IN A BUILDING OR STRUCTURE; REQUIRING THAT THE DISTANCE FROM ANY OPENING BE DETERMINED BY MANUFACTURER’S SPECIFICATION; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, Staff has drafted a Zoning Code text amendment for permanently installed stand-by generators removing the ten (10) feet distance requirements from any opening in a building or structure; and

WHEREAS, permanently installed stand-by generators shall adhere to all generator manufacturer’s locational specifications and applicable county, state, or federal requirements regarding distance requirements from any opening in a building or structure; and

WHEREAS, after notice was duly published, a public hearing was held before the Planning and Zoning Board on August 10, 2022, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Planning and Zoning Board was presented with text amendments to the Official Zoning Code, and after due consideration, recommended approval (vote: 4 to 0) of the text amendment; and

WHEREAS, after notice of public hearing was duly published, a public hearing was held before the City Commission on August 24, 2022, at which hearing all interested persons were afforded the opportunity to be heard; and

WHEREAS, after notice of public hearing was duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested persons were afforded the opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Official Zoning Code of the City of Coral Gables is hereby amended to read as follows:

Article 3. Uses

Section 3-317. Permanently installed stand-by generators.

In addition to all applicable county, state, or federal requirements this Section shall govern the placement of permanently installed stand-by generators, herein after referenced as “generator(s)”. A generator installation shall be allowed for the purpose of providing temporary power during incidental power outages and emergency power outages due to storms, hurricanes and other natural and/or man-made disasters in all residential zoning districts. Generators may not be used as a permanent source of power for a building, structure or property. Generators shall be subject to all of the following:

- A. Setback(s) for a generator in all residential zoning districts. Generators shall be permitted in accordance with the following setback requirements ~~as long as the distance is no closer than ten (10) feet from any opening in a building or structure that may be occupied by people as may be required by county, state or federal regulations~~ subject to all of the following conditions:
1. Front setback. No generator shall be allowed in the front setback.
 2. Rear setback. Ten (10) feet minimum from the rear property line.
 3. Interior side setback(s). Five (5) feet minimum from the side property line. Generators are exempt from the twenty (20%) percent total side setback requirements required for the principal and accessory structures.
 4. Side street setback(s). If there is not adequate space to satisfy all applicable county, state and federal requirements for the installation of a generator in an interior side yard or the rear yard for a generator, then the side street setback may be fifteen (15) feet minimum to the side street property line.
 5. Waterways, canals, lake or bay setback. Fifteen (15) feet minimum from such canal, waterway, lake or bay.
 6. Golf course setback. Five (5) feet minimum from the perimeter property line of the golf course.
 7. Rear street setback. Fifteen (15) feet minimum from a rear street property line.
 8. Spacing. The minimum spacing requirements between the generator and any opening in a building or structure that may be occupied by people will be as per the manufacturer’s guidelines and specifications

and shall be concurrently reviewed with the applicable electrical, structural, and mechanical permits.

9. Generators shall satisfy all applicable noise level requirements of City Code, Chapter 38 Article II, Section 38-29 as amended.
10. In no event shall a generator be closer than ten (10) feet from any adjoining or neighboring building or structure that may be occupied by people.
11. Number permitted in residential districts. A maximum of one (1) generator may be permitted for a single-family residence, individual duplex unit or individual townhouse unit. A maximum of one (1) generator per structure may be permitted for multi-family developments.
12. Generator installations on improved properties may encroach into the required landscaped open space areas.
13. Generators shall be screened from view of adjacent properties, street, canal, waterway, lake, bay, or golf course with landscaping to screen the generator entirely.
14. Generators located between a building and a street shall be limited to a maximum height of four (4) feet and may not exceed a ground area of twenty (20) square feet. Generators that are not located between a building and a street may not exceed a ground area of one half of a percent (1/2%) of the area of the building site or a maximum ground area of one hundred (100) square feet, whichever is less. If a generator is proposed to be installed within a flood zone area, the maximum allowable generator height of four (4) feet, plus the required flood zone height, is the permitted generator height.

SECTION 3. All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the "Zoning Code" of the City of Coral Gables, Florida; and that the sections of this "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.


SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS THIRTEENTH DAY OF SEPTEMBER, A.D., 2022.

(Moved: Mena / Seconded: Anderson)
(Yeas: Menendez, Anderson, Fors, Jr., Mena Lago)
(Unanimous: 5-0 Vote)
(Agenda Item: F-3)

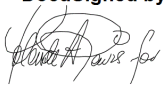
APPROVED:

DocuSigned by:

53B880AB93824A5...

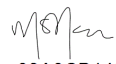
VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DocuSigned by:

96DD5AC59C2047E...

BILLY Y. URQUIA
CITY CLERK

DocuSigned by:

03A0CB1421E64AC...

MIRIAM SOLER RAMOS
CITY ATTORNEY