



City of Coral Gables Planning and Zoning Staff Report

Applicant: City of Coral Gables
 Application: **Zoning Code Text Amendment: Generators**
 Public Hearing: Planning and Zoning Board
 Date & Time: **August 10, 2022; 6:00 – 9:00 p.m.**
 Location: City Commission Chambers, City Hall,
 405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

The City of Coral Gables has initiated a request for a Zoning Code Text Amendment as follows:

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.

2. APPLICATION SUMMARY

A Zoning Code text amendment is proposed to remove the distance requirement of 10 feet for the installation of a permanent generator from any opening in a building or structure. The current regulations related to generators, including the 10-foot distance requirement, was amended into the Zoning Code in 2006. There has been an increase of property owners applying permits for the installation of stand-by generators as a means of resiliency against power outage during emergency events. In the last 15+ years, many of the Building Code requirements and manufacturer’s specifications have changed.

The proposed amendment removes the specificity of 10 feet, and instead, requires the distancing to be per manufacturer’s guidelines and specifications which shall be concurrently reviewed by electrical, structural, and mechanical permits.

3. REVIEW TIMELINE / PUBLIC NOTICE

City Review Timeline

The submitted applications have undergone the following City reviews:

REVIEW COMMITTEES AND BOARDS	DATE
Planning and Zoning Board	08.10.22
City Commission – 1 st Reading	TBD
City Commission – 2 nd Reading	TBD

The following has been completed to solicit input and provide notice of the Application:

PUBLIC NOTICE	DATE
Legal advertisement	07.29.22
Posted agenda and Staff report on City web page/City Hall	08.05.22

4. FINDINGS OF FACT

The request is a Text Amendment to Article 3, “Uses,” Section 3-317, “Permanently installed stand-by generators.” The proposed changes are provided in Attachment A in ~~striketrough~~ / underline format.

Zoning Code Section 14-212.5 provides review standards for Zoning Code text amendments:

Standard	Staff Evaluation
a. Promotes the public health, safety, and welfare.	The intent of the proposed amendment is to update the spacing requirements for the placement of generators to comply with the current public health and safety standards issued by the manufacturer.
b. Does not permit uses the Comprehensive Plan prohibits in the area affected by the text amendment.	The proposed amendment does not affect any uses permitted in the Comprehensive Plan.
c. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property.	The proposed text amendment does not allow densities or intensities in excess of what are permitted by the future land uses.
d. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Plan.	The proposed text amendment will not affect the level of service for public infrastructure.
e. Does not directly conflict with any objective or policy of the Comprehensive Plan.	The proposed amendment does not conflict with any objective or policy.

Staff comments:

The proposed text amendment to the Zoning Code removes the distance requirement of 10 feet for a permanent generator from any opening in a building or structure and relies the distancing to be regulated by the manufacturer. The update to the distance requirement fulfills the goals, objectives, and policies of the Comprehensive Plan that encourage sound innovation in the development standards of the City’s Zoning Code which provides a continuing process to respond to community needs. The standards identified in Section 14-212.5 for the proposed Zoning text amendment are **satisfied**.

5. STAFF RECOMMENDATION

Based upon the complete Findings of Fact contained within this report, staff recommends **Approval**.

6. ATTACHMENTS

- A. Draft Ordinance with proposed text amendment.
- B. Legal advertisement published.

Please visit the City's webpage at www.coralgables.com to view all Application plans and materials, notices, applicable public comments, minutes, etc. The complete Application and all background information also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida 33134.

Respectfully submitted,



Jennifer Garcia, AICP, CNU-A
City Planner
City of Coral Gables, Florida

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2022-__

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: _ to _) of the text amendment; and

WHEREAS, the City staff incorporated changes from first reading, and recommendations from the Planning and Zoning Board, and the City Commission was presented with a final text amendment on Second reading.

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 adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, A.D., 2022.

(Moved: / Seconded:)

(Yeas:)

(; Vote)

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA
CITY CLERK

MIRIAM SOLER RAMOS
CITY ATTORNEY

DRAFT

MIAMI-DADE

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF CORAL GABLES - PUBLIC HEARING - LOCAL
PLANNING AGENCY / PLANNING AND ZONING BOARD - AUG
. 10, 2022

in the XXXX Court,
was published in said newspaper by print in the issues of
and/or by publication on the newspaper's website, if
authorized, on

07/29/2022

Affiant further says that the newspaper complies with all
legal requirements for publication in chapter 50, Florida
Statutes.

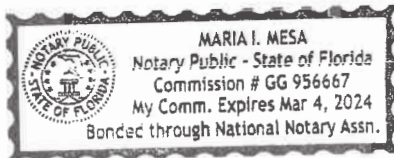
Guillermo Garcia

Sworn to and subscribed before me this
29 day of JULY A.D. 2022

[Signature]

(SEAL)

GUILLERMO GARCIA personally known to me



**CITY OF CORAL GABLES, FLORIDA
NOTICE OF PUBLIC HEARING
HYBRID MEETING ON ZOOM PLATFORM**

City Public Hearing
Dates/Times
Local Planning Agency / Planning and Zoning Board
Wednesday, August 10, 2022, 6:00 p.m.
Location
City Commission Chamber, City Hall
405 Biltmore Way, Coral Gables, FL 33134

PUBLIC NOTICE is hereby given that the City of Coral Gables, Florida, Local Planning Agency (LPA)/ Planning and Zoning Board (PZB) will conduct Public Hearing on the following:

1. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 14, "Process," Section 14-202.6, "Building Site Determination" to exempt platted lots within Snapper Creek Lakes from the Building Site Determination process; providing for severability, repealer, codification, and an effective date.
2. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, by amending Article 14, "Process", Section 14-200 "Procedures", Section 14-202.6, "Building Site Determination" by eliminating size restrictions on residences in a separated building site based on what was permitted as a single building site; providing for severability, repealer, codification, and for an effective date.
3. An Ordinance of the City Commission of Coral Gables, Florida providing for a text amendment to the City of Coral Gables Official Zoning Code by amending Article 14, "Process," Section 14-205, "Declaration of Restrictive Covenant in Lieu of a Unity of Title" to encourage the creation of City Parks by allowing non-contiguous building sites with dedicated park spaces; providing for severability, repealer, codification, and an effective date.
4. 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; providing for severability, repealer, codification, and for an effective date.

CITY OF CORAL GABLES (AUG 10, 2022)

5. An Ordinance of the City Commission of Coral Gables, Florida, providing for text amendments to the City of Coral Gables Official Zoning Code, Article 2, "Zoning Districts," Section 2-101, "Single-Family Residential (SFR) District," Section 2-102, "Multi-Family 1 Duplex (MF1)," Section 2-104, "Multi-Family 4 (MF4)," Article 3, "Uses," Section 3-316, "Flagpoles," Section 3-702, "Docks, wharves, and mooring piles - canals, lakes, or waterways," Article 5, "Architecture," Section 5-305, "Dormer windows," Section 5-312, "Fountains and reflecting pools," Section 5-313, "Planters," Section 5-403, "Height of walls and fences," and Section 5-606, "Mechanical equipment location and aesthetics standards;" to remove the discretionary review by the Board of Architects for setbacks, ground area coverage, building floor area, driveways, dormer windows, wing walls, fences, fountains, planters, flagpoles, and mechanical equipment requirements; providing for severability, repealer, codification, and for an effective date.

The Planning and Zoning Board will be holding its regular board meeting on Wednesday, August 10, 2022, commencing at 6:00 p.m. Pursuant to Resolution No. 2021-118, the City of Coral Gables has returned to traditional in-person meetings. Accordingly, any individual wishing to provide sworn testimony shall be present physically in the City Commission Chambers. However, the City Commission has established the ability for the public to provide comments (non-sworn and without evidentiary value) virtually. Accordingly, only individuals who wishes to provide public comment in this format, may appear and provide those comments via Zoom.

Members of the public may join the meeting via Zoom at (<https://zoom.us/j/83788709513>). In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom may listen to and participate in the meeting by dialing: (305) 461-6769 Meeting ID: 837 8870 9513. The public may comment on an item using the City's E-Comment function which may be found on the City's website at: (www.coralgables.com/pzb) once the meeting's agenda is published, or by sending an email to planning@coralgables.com prior to the meeting.

The meeting will also be broadcasted live for members of the public to view on the City's website (www.coralgables.com/cgtv) as well as Channel 77 on Comcast.

Sincerely,
City of Coral Gables, Florida
7/29

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