

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING ZONING CODE ARTICLE 5, SECTION 5-1804, “AIR-CONDITIONING UNITS AND EQUIPMENT, AND OTHER TYPES OF MECHANICAL EQUIPMENT OR APPARATUS INSTALLED ON OR ATTACHED TO PREMISES”, UPDATING SCREENING REQUIREMENTS FOR MECHANICAL EQUIPMENT; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the Building and Zoning Department has requested an amendment to the text of the Zoning Code for “Air-conditioning units and equipment, and other types of mechanical equipment or apparatus installed on or attached to premises”, updating screening requirements for mechanical equipment; and

**WHEREAS**, after notice duly published, a public hearing was held before the Planning and Zoning Board on January 14, 2009, at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, the Board was presented with a text amendment to the Zoning Code, and after due consideration, recommended approval (vote: 4-3) of the amendment; and

**WHEREAS**, after notice duly published, a public hearing for First Reading was held before the City Commission on February 10, 2009 at which hearing all interested parties were afforded the opportunity to be heard; and

**WHEREAS**, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 4-0); and

**WHEREAS**, after notice duly published, a public hearing for Second Reading was held before the City Commission on February 24, 2009 at which hearing all interested parties were afforded the opportunity to be heard.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

**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 Zoning Code of the City of Coral Gables is hereby amended as follows (changes in ~~striktthrough~~ / underline format):

**Article 5. Development Standards**

**Division 18. Screening**

**Section 5-1804. Air-conditioning units and equipment, and other types of mechanical equipment or apparatus installed on or attached to premises.**

A. ~~In a residential or mixed use district, Air~~ air-cooled condensing and/or compressor equipment which is a part of an air-conditioning system or a water cooling tower, and any other type of mechanical equipment or apparatus installed on or attached to premises ~~shall be completely retained within the primary building, or~~ shall meet side and rear setback requirements for the principal structure ~~and shall be allowed to within fifteen (15) feet of any street or waterway property line~~ with the following conditions:

1. All air-conditioning units or equipment shall meet noise level requirements in the City Code.
2. Any air-conditioning unit or equipment, except for window wall units, ~~located closer than fifteen (15) feet to any rear or side property line, or closer than twenty-five (25) feet to any street or waterway property line~~ shall be visually screened from view from a canal, waterway, lake, bay, golf course or street view with a wall or landscaping which shall be in addition to the requirements of Article 5, Division 11.

B. ~~In all districts, permanent generators shall be approved by the Board of Architects, located within a screened structure, outside all applicable setbacks for the principal building, with soundproofing.~~

**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 City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

**SECTION 6.** This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2009.  
(Moved: \_\_\_\_\_ / Seconded: \_\_\_\_\_)  
(\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_)  
(Vote: \_\_\_\_ - \_\_\_\_)  
(Agenda Item \_\_\_\_)

DONALD D. SLESNICK II  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ  
CITY ATTORNEY

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