
INTEROFFICE MEMORANDUM

TO: PLANNING AND ZONING MEMBERS
FROM: JEFF BOWMAN, DEVELOPMENT SERVICES DIRECTOR
SUBJECT: PROPOSED AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE
(GENERATORS)
FEBRUARY 15, 2010 P&Z MEETING
DATE: 2-9-11

Brief Synopsis of Agenda Item

New Business Item 3: Amend Section 30-313 to increase the allowable size of fuel storage tanks for generators within the Multi-family and Business Districts.

The current code limits the size of generator fuel tanks to 250 gallons for all zoning districts. Florida Statute 553.509 requires multi-family dwellings 75 ft or taller and containing a public elevator to provide an alternate power source for emergency lighting, fire alarms and elevator service over a five day period following a natural disaster. Staff has received information indicating that a 250 gallon tank is not sufficient for large multi-family buildings to be able to meet the requirements of the statute. A 250 gallon tank also may not be large enough to accommodate the emergency service needs of larger commercial establishments. Therefore, the Town's code needs to be amended to provide greater flexibility for larger buildings in order to meet emergency needs.

Staff is recommending that the size of fuel storage tanks be increased for the business and multi-family zoning district maintaining screening and shielding of the tanks.

Please contact me (954-776-3611) if you have any questions or if you prefer I would be happy to meet with you individually to answer any questions you may have. Thank you.

(32) *Generator regulations.*

Except for generators serving a public purpose and owned and operated by the town, and which are therefore exempt from these regulations, portable or permanent generators temporarily or permanently placed on the ground, on a stand or on a trailer, shall not be placed in the required front setback or any street side setback. Generators shall be located in accordance with the following requirements:

- (a) One portable or permanent generator with an output of not more than 60 KW shall be allowed in a required side or rear yard setback provided said generator meets the following conditions:
1. The generator is set back a minimum of five feet from the property line.
 2. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in Section 13-6 of the Code.
 3. The highest point on the generator shall not exceed a maximum of seven feet above the neighboring property owner's grade.
 4. The generator is screened from the neighboring property owners by a wing wall (three-sided wall), at least four feet high or the same height as the generator (including the height of the exhaust muffler), whichever is greater.
 5. The generator's exhaust is, as much as practically feasible, vented upwards or directed away from neighboring properties.
 6. The generator shall be used only during periods of power outages or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company or for use by power customers during periods of peak demand.
 7. The generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between

the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.

8. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

9. Generators are not permitted on the roof of a building.

(b) Provided that a portable or permanent generator is permanently or temporarily placed on the ground, on a stand, or on a trailer and is not located within required side or rear yard setback areas, the following conditions shall apply:

1. If the generator's output capability is greater than 60KW, it shall be placed on the property only in conformance with the setback requirements applicable to a principal structure.

2. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in subsection (a) (2) of this section.

3. If the generator's output capacity is greater than 100 KW, it shall be subject to site plan review as defined in Section 30-121 of the Code of Ordinances and shall be housed in an enclosed building with landscaping as approved by the Planning and Zoning Board.

4. If the generator is greater than 60KW and is 100KW or less, and is visible from a street or public way, it shall be screened from the neighboring properties by a wing wall (three-sided wall), at least four feet high or the same height as the generator (including the height of the exhaust muffler), whichever is greater.

5. If the generator is 60KW or less and is visible from a street or public way, its location shall be subject to approval by the Planning and Zoning Board. Intervening landscape material shall not be considered when determining a generator's visibility.

6. The generator's exhaust is, as much as practically feasible, vented upwards or directed away from neighboring properties.
7. The generator shall be used only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company.
8. The generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 p.m. and 3:00 p.m.
9. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.
10. Generators are not permitted on the roof of a building.

(c) Notwithstanding subsection (a), the Director of Development Services or designee may grant a setback waiver allowing a generator with an output capability in excess of 60KW to be located within a required side or rear yard setback, provided the applicant submits to the town a site plan and evidence or testimony substantiating each of the following conditions:

1. The output of a 60 KW or less generator is incapable of providing enough electricity for the basic necessity of occupying a building and/or protecting interiors or possessions in a building from the damaging effects of prolonged loss of power.
2. The proposed location is not merely for the convenience or preference of the applicant, but that there is no other location outside of the required setbacks that will provide for safe placement of the generator.

3. The proposed location represents the minimum intrusion into the required setback(s) necessary to safely accommodate the generator.

(d) The following requirements shall apply to fuel storage tanks for generators for single family and duplex structures:

1. Above ground fuel storage tanks shall be subject to the same setback and location regulations for generators provided in this subsection. One (1) above ground tank not to exceed six (6) feet in height and two hundred fifty (250) gallons shall be permitted. Up to two (2) above-ground tanks, not to exceed a total collective capacity of two-hundred- fifty (250) gallons, and subject to the requirements of this subsection, shall be allowed in lieu of one (1) two-hundred-fifty (250) gallon above-ground tank. Above ground fuel storage tanks shall be screened from the neighboring property owners by a wing wall (three-sided wall) at least four feet (4) high or the same height as the tank itself.

2. -In lieu of an above ground fuel storage tank, one (1) underground fuel storage tank, not to exceed ~~five hundred (500)~~ ~~two hundred fifty (250)~~ gallons, shall be permitted subject to the same setback and location regulations for generators provided in this subsection. However, underground fuel storage tanks may be located within the required front yard setback provided it is not located within five (5) feet of any public right of way or utility easement.

~~3. All fuel storage tanks shall be properly permitted in accordance with all applicable county, state, and federal regulations.~~

(e) The following requirements shall apply to fuel storage tanks for generators for all other structures (excluding single family and duplex):

1. All tanks shall be subject to the same setback and regulations for generators provided in this subsection. Fuel storage tanks shall comply with the Florida Building Code (FBC) and the Florida Fire Prevention Code (FFPC).

2. Any tank over 1,000 gallons, not located within an enclosed building or underground shall be subject to

site plan review as defined in Section 30-121 of the Code of Ordinances.

3. Underground fuel storage tanks may be located within the required front yard setback provided it is not located within five (5) feet of any public right of way or utility easement.

4. All tanks shall be screened from the right-of-way and neighboring properties by a wing wall (three-sided wall). If the wall exceeds the maximum height of walls within the zoning district, but it is the minimum height necessary to adequately screen the tank, then this section shall prevail over any other wall height restrictions.

(fe) All fuel storage tanks shall be properly permitted in accordance with all applicable county, state, and federal regulations.

(egf) If an administrative waiver is not granted pursuant to subsection (c) the applicant may appeal the administrative decision to the Board of Adjustment pursuant to Section 30-7 of the Code.