

LAND DEVELOPMENT CODE AMENDMENT

PETITION PL2018000		SUMMARY OF AMENDMENT This amendment introduces a new section to address the placement and				
ORIGIN Board of Commission HEARING	ners	location of residential permanent emergency generators for single-family and two-family dwelling units. The amendment establishes locational criteria to property lines, another generator, ancillary fuel tanks, window openings to a dwelling, and when necessary the installation of carbon monoxide detectors.				
BCC CCPC DSAC	06/25/2019 05/16/2019 03/07/2019 02/07/2019 02/06/2019	 LDC SECTION TO BE AMENDED 4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts 5.03.07 Permanent Emergency Generators (New Section) 				

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
Approved with recommendations	Approved	Approved with changes

BACKGROUND

DSAC-LDR 12/18/2018

After Hurricane Irma, all of the County's 270,000 customers served by Florida Power and Light had power outages. There has been a significant increase of County residents installing various residential permanent emergency generators as a means of resiliency against power outage events. Many building permit applications have been rejected due to setback requirements, lacking a detailed location plan, or insufficient information. The majority of permits issued have been for 20 and 22 kilowatt generators which represent 77.2% of the total permits and 89.5% are 30 kilowatts or less. (See Exhibit "A"). Also, an update to the total permits issued from January 1, 2017 to March 13, 2019 by the required setback location, indicates 25.31% (223) were issued within 5 feet or less sideyard setbacks and the majority were at 46.54% (410) within sideyard setbacks greater than 5 feet and up to 7.5 feet.

On June 26, 2018, the Board directed staff to proceed with an amendment to increase flexibility for the placement of emergency generators on residential parcels or lots. Staff reviewed common manufacturers' recommended minimum surrounding clearances from walls, fences and landscaping (See Exhibit "B"), standards in other communities (See Exhibit "C"), and other guidelines. Staff also worked with industry professionals to better understand common constraints and potential safety issues.

The amendment provides additional flexibility for generator placement by establishing minimum setbacks from property lines that vary depending on the required yard sizes. These setbacks are based on the majority of generators being placed within three to four feet from the exterior house's wall. Four out of five common manufacturer's installation guidelines would be able to meet placement within four feet of the house wall (See Exhibit "B"- Tan highlight).

The amendment also addresses potential health, safety and welfare associated with adding permanent generators in close proximity to homes by requiring minimum distances between generators and mechancial air intake equipment, compliance with manufacturer's specifications, concurrent review of applicable building permits and



providing design standards consistent with the Florida's building, mechanical, electrical, plumbing, fuel and gas codes.

A scaled illustration of the proposed 10 feet separation standard between generators is shown in Exhibit "D" along with photos of installed generators taken from West Coast Generators's website. Additionally, the exhibit identifies two generator permits that have been rejected, one in a side yard setback of 6.0 feet and the other 7.5 feet. To meet manufacturer's locational specifications and current LDC code requirement, these generators exceeded the current standard by 11 inches and 8 inches.

DSAC-LDR Subcommittee Recommendation

The DSAC-LDR subcommittee accepted staff's textual changes and made the following recommendations:

- Revise the words or term "permanent emergency generators" to "optional standby generators" to relate to the Florida Building and National Electrical Code's use of the term. Report back at the full DSAC meeting, if the County Attorney's Office or Building Manager has a reason not to change the term.
- Require screening when the generator's placement is in the front yard, on a waterfront or preserve lot.
- Increase the setback to road right-of-ways from two feet to five feet.
- Require a five feet setback from waterfront or preserve lots.
- Modify the Table to alleviate possible confusion with a required setback for a side yard.

The proposed text incorporates DSAC-LDR subcommittee's recommendations. After consulting with the County Attorney's Office, the title "permanent emergency generators" does not require a change to address the Florida Building or National Electrical Code definitions and use of the term "optional standby generators."

DSAC Recommendation

On February 6, 2019, the DSAC unanimously approved the proposed textual changes as recommended by DSAC-LDR subcommittee.

CCPC Recommendation

On February 7, 2019, the CCPC did not vote on the amendment. Following a general discussion, they decided to re-examine the amendment at a later date and requested a Fire Official attend the next meeting to determine if there are access, fire safety or firefighting concerns when multiple mechanical equipment (AC and generators) are located between two adjoining residential lots with a minimum five feet sideyard setback. They also recommended adding to the purpose intent section the words "to reduce noise" and requested a 2007 noise study, that had been reviewed by a prior planning commission, be provided. This study had assisted the planning commission in establishing the current acceptable sound level at 75 db (A).

On March 7, 2019 the CCPC recommended the following changes:

- Add to the Purpose and Intent Section: "To improve the aesthetics of mechanical equipment".
- Revise Table 1 to establish a standard of five feet for the minimum "distance to lot line" when sideyard setbacks are less than 20 feet. This would be comparable with the County's minimum 10 feet separation distance between structures and serve to maintain 10 feet of distance between an abutting neighbor's dwelling unit, window, or other generator.
- Increase the distance to a public road right-of-way line from 5 to 10 feet to be consistent with the residential minimum development standard of 10 feet for signage, stated in LDC section 5.06.02.B.1.b.
- Evaluate distance separation requirements between other obstructions such as pool equipment, AC compressor, water systems and water softener systems, and landscaping.
- Require all easements to be shown on a site plan and to be submitted with each permit application and if the generator is located within the easement, a written consent from all easement holders.



Regarding health and safety, the CCPC needed early warning and protection assurances that carbon monoxide (CO) detectors are installed within and outside of residential sleeping rooms. Upon further research, the 2017-Florida Building Code (FBC) Residential, Sixth Edition, Section R315.1: Carbon Monoxide Protection require operational CO alarm(s) to be installed in accordance with new building permit construction. It states the following:

"Every separate building or an addition to an existing building for which a permit for new construction is issued and having a fossil-fuel-burning heater or appliance, a fireplace, an attached garage, or other feature, fixture, or element that emits carbon monoxide as byproduct of combustion shall have an operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes" with the exception: "...to existing buildings that are undergoing alterations or repairs unless the alternation is an addition as defined in Section R315.3". Section R315.3 describes "addition" to mean "an extension or increase in floor area, number of stories or height of a building or structure".

The proposed LDC text broadens this provision for additional early protection warning by requiring the installation of CO detectors to be installed in an existing home when there isn't an extension or increase in floor area, number of stories or height of the building or structure and the location of an applicant's generator is 10 feet or less in distance to the existing home.

On May 16, 2019, the CCPC approved the LDC amendment with changes by a vote of 4 to 1. The dissenting commissioner objected to the placement of generators within public utility and drainage easements and closer than 5 feet to a lot line.

The CCPC received public comments and numerous petitions regarding how the CCPC's proposal of 5 feet to a lot line would prohibit generators from being allowed in the side yards of smaller lots and especially when they need 6 additional inches for permit approval. Additionally, the public concerns centered on the effect to property values in communities with natural gas (such as Stone Creek), the offensive placement within front yards by HOAs and neighbors, and reasonable use of private property.

Therefore, the CCPC reconsidered their previous recommendation and agreed the distance to lot line would remain the same as in the initial LDC draft submittal for required side yard setbacks, public and private road right of ways and an inclusion that there be a provision for drainage flows to be maintained. Based on the CCPC recommendation, the following changes have been incorporated:

- Table 1 is revised to match the original initial draft submittal column presented in the LDC narrative on May 16, 2019.
- Added a new section 5.03.07 C.6 to address the CCPC's recommendation to add language requiring lots to maintain drainage. Text has been added to cross-reference LDC section 6.05.03 since maintenance of drainage flows is already required in LDC section 6.05.03 F.2 which states: "The property owner shall maintain site grading and drainage (e.g. swales, French drains, grates, etc.) in accordance with the approved stormwater plan."

After the CCPC hearing, staff made the following changes to the amendment to increase clarity of the setback table and preserve the intent of the CCPC's recommendation. These changes do not have any substantive effect.

- Clarified column headings in the Table.
- Simplified the layout of the formatting for the "Rear Yard" setbacks.



• Deleted in its entirety, previously proposed LDC section 5.03.07 C.3.d, because generators elevated 30 inches above the ground are setback the same distance to a lot line as ground mounted generators and in LDC section 5.03.07 C.3.c, deleted the words "preserve lot" as a vegetative screen is not necessary to protect an aesthetic view or provide a buffer to a preserve lot.

FISCAL & OPERATIONAL IMPACTS

There are no fiscal or operational impacts with this amendment to the County. When applicable, the homeowner's added costs are: to screen a generator, install carbon monoxide detectors, extend an exhaust outlet, acquire a spot survey and written consent from easement holders.

GMP CONSISTENCY

Based upon staff's analysis, the amendment is consistent with the GMP. (See Exhibit "E")

EXHIBITS: A) Permanent Generator Permits Issued or Rejected; B) Manufacturer's Surrounding Clearances; C) Other Florida Communities Research; D) Illustrations; E) GMP Consistency Review; F) Manufacturer's Generator Sound Level Readings.

48 49

4.02	.01 - Dir	nensio	nal Sta	indard	s for Pr	incipal	Uses ir	n Base	Zoning) Distric	cts	
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D.	Exem	nptions	and ex	clusion	s from c	design s	standard	s.				
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burdening the property, including but not limited to drainage easements, lake

maintenance easements, and/or access easements. The site plan shall be

- provided with the building permit application. The written approval of an easement holder for placement in an easement is required and must be included with the submittal.
- Location and Distances. Permanent emergency generators may be located in the required front, side and rear yard setback in accordance with the following in Table
 All distance setback and separation requirements shall be measured from the most restrictive of the generator's enclosure or exhaust outlet and adhere to the following:
 - a. When located underneath the dwelling unit, the exhaust outlet shall be vented outside of the dwelling unit above the roof line.
 - b. Generators may be allowed in the front yard, at a distance no greater than six feet from the dwelling unit in zoning districts with 35 feet front yard setback or greater and shall require a vegetative screen. For corner lots, the generator may be allowed in the front yard which has the longest street frontage utilizing the side yard generator setback standards in Table1.
 - c. Generators located in the rear yard of a waterfront lot shall require a vegetative screen.

TABLE 1 Generator Setback and Separation Standards (feet)

<u>Pr</u>	Principal Structure Setback						
	<u>5 or less</u>	<u>1</u>					
CIT V	Greater Than 5 and Up To 7.5	<u>2</u>					
Side Yard	Greater Than 7.5 and Up To 20	<u>4</u>					
	Greater Than 20	<u>10</u>					
	Poor Vord	10_waterfront					
	Rear Yard	5 non-waterfront					
	Separation						
Distance to Pu	blic and Private Road Right-Of-Way	<u>10</u>					
Between M	echanical Air Intake Equipment or Other Generator	<u>10</u>					
	Windows, Soffit Vent, Eaves To the velling, Shrubs and Trees	<u>5</u>					
Pumps, Wate	m Gas and Electrical Meters, Pooler and Water Softener Systems, AC ssors and Landscape Plantings	<u>3</u>					

1		4.	Carbo	n Mor	noxide D	etector	. If any	<u>/ exter</u>	ior wa	ıll op	enings	are wi	thin 10 f	eet of the
2			genera	ator's	<u>exhaust</u>	outlet, a	at least	one ca	arbon	mon	oxide d	letecto	r shall be	e installed
3			inside	the st	ructure	near the	e exter	ior wal	l open	ings	and or	n each	floor lev	el.
4														
5		5.	Gener	ator N	Noise ar	nd Test	ing. G	enera	tor no	ise i	and ro	utine te	esting sl	hall be ir
6			compl	iance	with LD	C section	n 4.02	.1 D.1	3.					
7														
8		6.	Draina	age Fl	ow. Maii	ntenand	ce of st	ormwa	ater dr	aina	ge sha	ll be a	s require	ed in LDC
9			sectio	_										
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1	D.	Additio	nal Re	quiren	nents foi	r Diesel	and G	asoline	Engi	nes.	Notwit	hstand	ling the f	oregoing
2														from any
3		lot line				-								
1	#	#	#	#	#	#	#	#	#		#	#	#	#

Exhibit A - Permanent Generator Permits Issued or Rejected

Generator KW Size	2017 Yr. Ending	2018 thru July 5	Total Permits	2017 Total thru KW 30	2018 Total thru KW 30	Total Combined	% of all permits
7.5	1	0	1				
8	1	0	1				
11	1	0	1				
12	1	3	4				
14	0	1	1				
15	1	0	1				
16	3	5	8				
19.5	1	0	1				
20	62	119	181				34.6
22	88	135	223				42.6
23	0	0	0				
24	4	5	9				
25	1	4	5				
27	7	5	12				
30	8	12	20	179	289	468	89.5
32	3	5	8				-
36	1	2	3				
38	5	9	14				
40	0	4	4				
45	2	0	2				
48	9	8	17				
60	2	3	5				
80	1	0	1				
100	0	1	1				
Totals	202	321	523				
	-	tion, rejected formation	78				

Permit Status- Issued or Expired by Setback Location 1-01-2017 Through 3-13-19

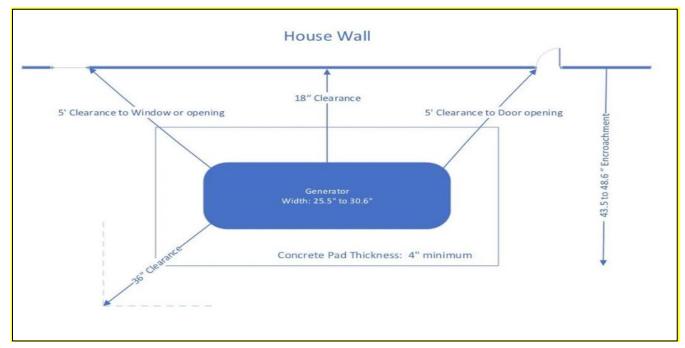
Sideyard Setback	0-5′	Greater Than 5' up to 7.5'			Rear/Front Yard or Other	Totals
Total	223	410	143	92	13	881
Percent	25.31	46.54	16.23	10.44	1.48	100

Exhibit B – Manufacturers' Surrounding Clearances

Generat	facturer- or 14 to 30 KW	Briggs/Stratton 17 /20 -25 Air-Liquid Cooled	Champion 14 Air Cooled	Kohler Res14/20 Air Cooled	Kohler RCL24 Liquid Cooled	Generac 16/20/22 Air Cooled	Generac 22/25/30 Liquid Cooled	Generac 22/27 Spark Ignited	Cummins RS22 Air Cooled	
Dimensi on	Width	34"-30"	30.1"	26.2"	32.9 "	25.5"	30.6"	29"	34"	
Exhaust 5' Outlet		5′	5′	4'	8′				5′	
	Overhead	5′	5'				5′	l		
Clearan	Shrubs	5'	-	4'	I		-			
ces	SWRI- Rated	18"					18"		18"	
	1 Hour- Fire Rated		17.7"			3′				
	Non-Rated					5′				
		Т	otal Clearance	e and Width	To Wall (I	nches)				
Encroach	SWRI- Rated	52-48		44.2	50.9	43.5	48.6	47	52	
ment	Fire Rated	52-48	47.8	62.2	68.9	61.5	66.6	65	70	
	Non-Rated	94-90	90.1	86.2	92.9	85.5	90.6	89	94	
	TR	ANE Manufacturer -	- AC Compres	sor Unit Din	nension by	Living Area	-Model 4TT	R40		
Area Ur (sq.		Depth	At 12" fr Wall*				Width He			
1,1	00	26	38	50		29				
1,5	00	30	42	ţ	54	33		2:	9	
1,9								3	33	
2,3										
2,7		34	46		58	37	_	29 37		
3,1			acturer's specification at 12 inches and others can require a greater dis							
	Tran Sec	e Model 4TTR42/43L etion 2. Unit Location	to 24 inches	or more for these a	working sp re typical dimen	sions of condensing are an additional 3	g units; concrete pa	ids that		
		Table 2.1	d Weight (iin) Weight' (ib) 29 133 29 133 33 156 37 184 37 189 37 211 nit on a roof, be nit's weight.	typical unit for 1100 aq typical unit for 1500 aq typical unit for 1900 aq typical-unit for 2700 aq typical unit for 2700 aq typical unit for 3100 aq	t. hm. t. hm. t. hm. t: hm.		I I			

Exhibit B – Manufacturers' Surrounding Clearances

Exhibit Based on Generac's Site Selection Installation Guidelines



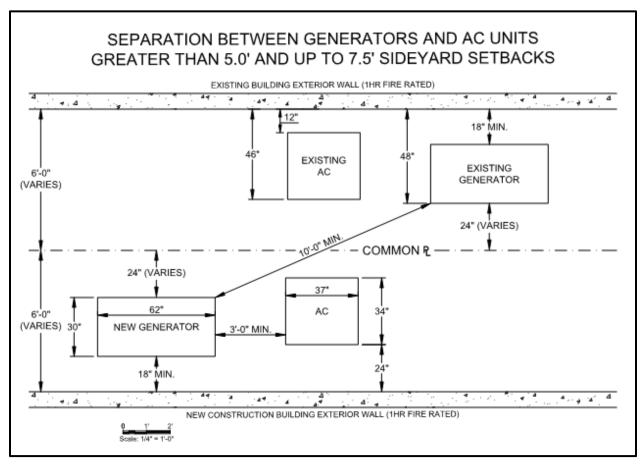


Exhibit C - Other Florida Communities Research

	Setbacks								
Community	Zoning Districts	Side	Rear	Distance to Property Line (PL)					
		(County						
Brevard¹	All Residential	4' into req	uired side and rear yard.						
	Residential Urban	3′	5'						
Miami-Dade²	Residential Estates	5'	5′	Not Addressed (N/A)					
Orange³	All Residential	10'	5' or rear ½ of lot or parcel	Not Addressed (N/A)					
Palm Beach⁴	Single-Family	3'	5′						
	Zero lot line	5′							
Sarasota	All districts except Siesta Key Overlay District (SKOD) SKOD	located at about	setback requirements when ove ground level or elevated A elevation requirements. as side yard setback.	No closer than 3'					
	552	<u> </u>	City						
Boca Raton	All Residential	•	within side or rear yard.						
Boynton Beach ⁵	Districts	of 6 feet	for every 1 foot above height but not greater than the rincipal structure setback.	N/A					
Key Biscayne ⁶	Single-Family and Two-Family		5′						
Lighthouse Point ⁷		5'	Not allowed.	5′					
Naples		Same as	orincipal structure (SPS).						
North Miami ⁸		5′	5' or 15' from rear street PL.	N/A					
Ocean Ridge			SPS	5′					
Marco Island		4' into re	quired side or rear yard.	N/A					
Miami Springs	All Residential	Anywhere	within side or rear yard.						
Town of Palm	Districts	5′	5′	5′					
Beach									
Palmetto Bay ⁹		5′	5'	N/A					
Plantation ¹⁰		from sidewalk, bikeway, or street							
			right-of-way li						
Redington Beach		•	within side or rear yard.	N/A					
Sanibel		•	within side or rear yard.	10'					
South Miami		12.5′	12.5′	12.5′					

Footnotes and Additional Criteria:

- 1- Encroachment is not subject to separation distances between structures.
- 2- 10' setback from street property line.
- 3- 15' setback from side street.
- 4- Encroachment is limited to 10% of setback requirement and generators less than 4' in height.
- 5- Not allowed in front yard or corner side yard unless approved by administrative adjustment and no other on-site location is feasible or there is a finding the location and use or design of the abutting property would not have negative impact.
- 6- None in a yard facing any street. Propane gas tanks 5 feet to side property line, limited to 500 gallons above ground and 1,000 gallons underground.
- 7- If not 5 feet from property line, then generator must be placed lengthwise and 1 foot from building.
- 8- 15' from rear street property line.
- 9- 10' from rear street.
- 10- Generators above 5.5' height must comply with same setback as principal structure.

Exhibit D – Illustrations

GENERAC 22 AND 27KW SEPARATION BETWEEN GENERATORS NO ZERO LOT LINE - 5 FEET SIDEYARD SETBACKS

BUILDING 2 EXTERIOR WALL (1HR FIRE RATED)

18" MIN.

18" MIN.

62" TYP.

GENERATOR 2

11-0" MAX.

11-0" MAX.

10'-0" MIN.

BUILDING 1 EXTERIOR WALL (1HR FIRE RATED)



Photos: Courtesy of Westcoast Generators Website



Kohler 24 RCL



Kohler 20 RESA





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Exhibit D - Illustrations

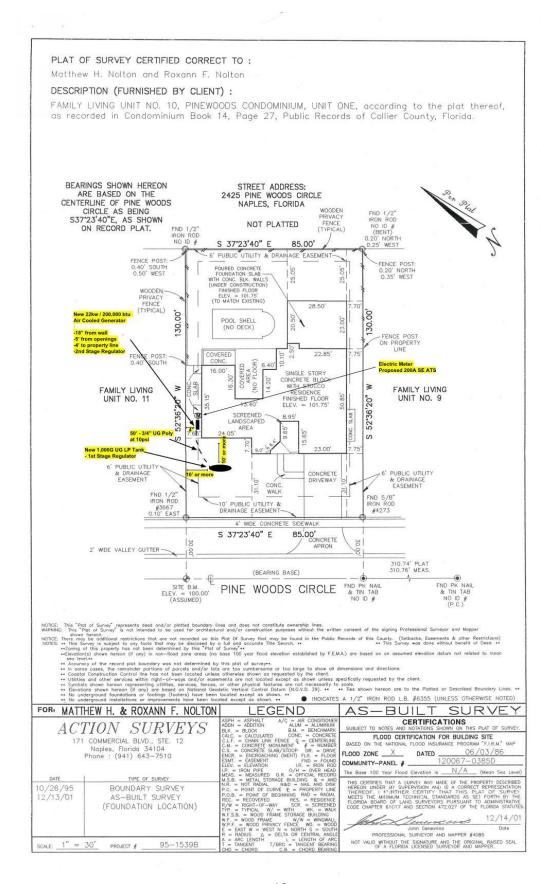


Exhibit D – Illustrations

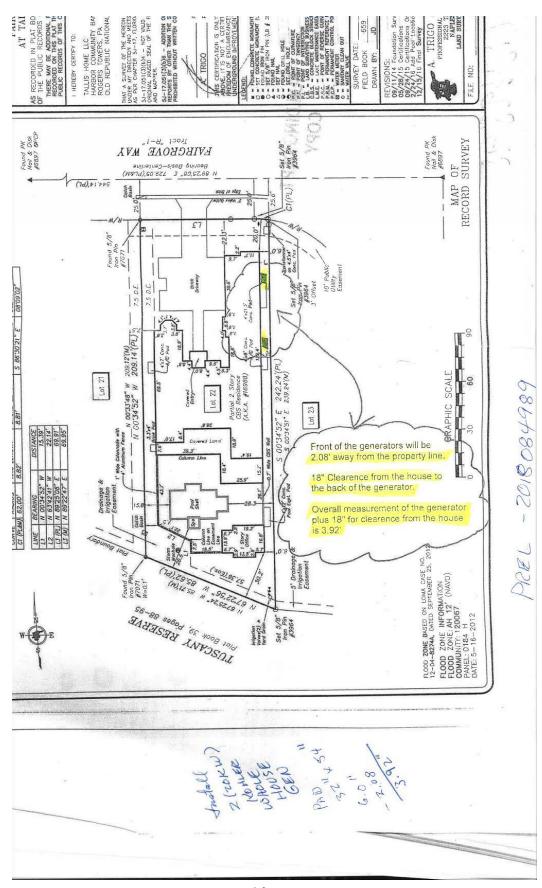


Exhibit E- GMP Consistency Review



Growth Management Department Zoning Division

Memorandum

To: Rich Henderlong, AICP, Principal Planner, Land Development Code Section

From: David Weeks, AICP, Growth Management Manager, Comprehensive Planning Section

Date: December 13, 2018

Subject: Growth Management Plan (GMP) Consistency Review

PETITION NUMBER: LDCA-PL20180003486 REV:1

PETITION NAME: LDC Sec. 4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts, 4.02.03 Specific Standards for Location of Accessory Buildings and Structures, and new 5.03.07 Permanent Emergency Generator

REQUEST: Amend the Collier County Land Development Code Sections 4.02.01 Dimensional Standards for Principal Uses in Base Zoning Districts, and 4.02.03 Specific Standards for Location of Accessory Buildings and Structures, and add new 5.03.07 Permanent Emergency Generator, to:

- Add reference to new Sec. 5.03.07 within Sec. 4.02.01D. Exemptions and Exclusions from Design Standards.
- Add development standards (setbacks) for permanent emergency generators in Sec. 4.02.03D. Table
 of dimensional standards for accessory buildings and structures in zoning districts other than Rural
 Agricultural (A) and Estates (E).
- 3. Establish new Sec. 5.03.07 Permanent Emergency Generator (for single and two-family dwellings).

COMPREHENSIVE PLANNING COMMENTS: The Growth Management Plan's (GMP) land use elements (Future Land Use Element, Golden Gate Area Master Plan, Immokalee Area Master Plan) contain subdistricts and overlays that identify allowable uses; some of these identify uses by zoning district(s) and some by specific use names (e.g. liquor store) or use categories (e.g. retail commercial). These subdistricts and overlays are implemented through the Land Development Code (LDC), which may be by establishing a zoning overlay, or a rezone of a property, or a conditional use on a property. With rare exception, the GMP does not address accessory uses, and where it does, there is no mention of permanent emergency generators - there is no specificity provided that would conflict with the proposed amendment. The LDC may be more restrictive than the GMP but not less restrictive.

CONCLUSION:

Based upon the above analysis, the proposed LDC amendment may be deemed consistent with the GMP.

IN CITYVIEW

cc: Michael Bosi, AICP, Zoning Director

LDCA-PL20180003486 Sec. 5.05.07 et al_perm. emerg. generatorsR1 G:\CDES Planning Services\Consistency Reviews\2018\LDCA 1

dw/12-13-18

Exhibit F- Manufacturer's Generator Sound Level Readings

Typical Generator Size- 20 to 22KW (yellow highlighted)									
KW Size	Manufacturer	Width Inches	Length Inches	Height Inches	measu	Output Sound dB(A) red at 23' - Manual Specification Sheet	AC-Air Cooled LC-Liquid Cooled		
					Weekly	Full or Normal Load	SI-Spark Ignited		
17		34	48.1	29.6		69.1	AC		
20	Briggs-Stratton	29.6	48.1	30.6		64	AC		
25		32.3	71	37	69	70	LC		
14 RESAL					63	67	AC		
20 RESC		26.2	47.8	28.9	64	69	AC		
24/30/38 RCL	Kohler	32.9	74	46	54	61	LC		
48/60			89.8	45.2	60	61	LC		
RS 20A/AC and RS14 AF		40.8	52.7	35		62	AC		
RS22	Cummins	34	72	45.5		64	LC- 50/50		
RS25 RS 36		34	94	45.5		63	mixture.		
14	Champion	30	49	28		63.5	SI		
16/20		25.5	48.5	28.8	55	67			
22					57	67	AC		
22/27		30.6	62.2	38.6	59	72			
25/30	Generac				59	73			
36/45					61	72	LC		
32/38		35	76.8	46.1	58	64			
48					63	68			
60					65	72			

Note: Collier County Generator Noise Related Code Enforcement Cases

For the period between January 10, 2017 and February 21, 2019, the Growth Management Department-Code Enforcement Operations Division recorded 274 noise related complaints which only four cases were related to generator noise that had resulted from the use of a temporary or portable generator and none from permanent emergency generators.