

LDC Amendment Request

ORIGIN: Community Development & Environmental Services.

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DEPARTMENT: Zoning and Land Development Review

AMENDMENT CYCLE: Cycle 1, 2007

LDC PAGE: LDC4:8.1

LDC SECTION(S): 4.02.01, 4.02.03. Tables 3 and 4.

CHANGE: To identify standards and setbacks for the placement of permanent emergency generators for single-family homes in all zoning districts allowing a single-family residence as a permitted use.

REASON: The Zoning and Building Departments have received questions regarding the placement of permanent emergency generators providing electrical power backup for private residences during and following severe weather events. The Land Development Code (LDC) does not specifically refer to generators in Section 4.02.03 (Specific Standards for Location of Accessory Buildings and Structures), either in the table providing dimensional standards for structures, or in Section 4.02.04.D. which addresses exceptions and exclusions from design standards. Setbacks for generators are therefore not addresses, other than within the category of “unlisted accessory,” which would require the generators to meet setbacks as for the principal structure.

FISCAL & OPERATIONAL IMPACTS: None.

RELATED CODES OR REGULATIONS: Ordinance 90-17 (Noise Ordinance) as amended.

GROWTH MANAGEMENT PLAN IMPACT: None.

OTHER NOTES/VERSION DATE: 03-12-2007, 08-01-2007.

Amend the LDC as follows:

4.02.01 Specific Standards for Location of Accessory Buildings and Structures

* * * * *

D. Exemptions and exclusions from design standards.

* * * * *

13. Permanent emergency generators may be placed within the rear **yard** of any property supporting a permitted single-family residence, subject to a 10-foot rear **yard setback**, and within side **yards** subject to a maximum encroachment into the **setback** of 36 inches. Generators are not permitted to encroach into required front **yards**. Above-ground fuel tanks for the generators are subject to the same **setbacks**; however, underground tanks are not subject to **setback** requirements. In order to reduce noise during required routine exercising of the generators, this exercising is restricted to operating the generator for no more than 30 minutes weekly during the hours of 9:00 am to 5:00 pm and shall not exceed sound level limits for Manufacturing and Industrial uses as set forth in Ordinance 90-17, the Noise Ordinance, as amended. All permanent emergency generators must be equipped with sound attenuating housing to reduce noise.

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4.02.03. Specific Standards for location of Accessory Buildings and Structures

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Table 3. Dimensional Standards for Accessory Buildings and Structures on Non-Waterfront Lots And Non-Golf Course Lots.

		Front	Rear	Side	Structure to Structure (If Detached)
1.	Parking garage or carport, single-family	SPS	10 feet	SPS	10 feet
2.	One-story parking structures and/or carports	SPS	35 feet	SPS	10 feet
3.	Multistory parking structures	SPS	35 feet	SPS	1/1*
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet
7.	Tennis courts (multi-family, and commercial)	SPS	20 feet	15 feet	20 feet
8.	Utility buildings	SPS	10 feet	SPS	10 feet

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Bold text indicates a defined term

9.	Chickee, barbecue areas	SPS	10 feet	SPS	10 feet
10.	Attached screen porch	SPS	10 feet	SPS	N/A
11.	Unlisted accessory	SPS	SPS	SPS	10 feet
12.	Satellite dish antenna	NP	15 feet	SPS	10 feet
<u>13.</u>	<u>Permanent emergency generators</u>	<u>NP</u>	<u>10 feet</u>	<u>See Sec. 4.02.01.D.13</u>	<u>N/A</u>

N = None.

N/A = Not applicable.

NP = **structure** allowed in rear of **building** only.

SPS = Calculated same as **principal structure**.

* = 1 foot/foot of accessory height = 1 foot/foot of **building** separation.

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Table 4. Dimensional Standards for Accessory Buildings and Structures on Waterfront Lots and Golf Course Lots

		Setbacks			Structure to structure (If Detached)
		Front	Rear	Side	
1.	Parking garage or carport, single-family	SPS	SPS	SPS	10 feet
2.	One-story parking structures	SPS	SPS	SPS	10 feet
3.	Multistory parking structures	SPS	SPS	SPS	1/1 1
4.	Swimming pool and/or screen enclosure (one- and two-family)	SPS	10 feet 3	SPS	N
5.	Swimming pool (multi-family and commercial)	SPS	20 feet	15 feet	N
6.	Tennis courts (private) (one- and two-family)	SPS	15 feet	SPS	10 feet

7.	Tennis courts (multi-family and commercial)	SPS	35 feet	SPS	20 feet
8.	Boathouses and boat shelters (private)	SPS	N/A	7.5 feet or 15 feet	10 feet
				(See section 5.03.06(F))	
9.	Utility buildings	SPS	SPS	10 feet	10 feet
10.	Chickee, barbecue areas	SPS	10 feet	SPS	N
11.	Davits, hoists and lifts	N/A	N/A	7.5 feet or 15 feet	SPS
12.	Attached screen porch	SPS	10 feet ⁴	SPS	SPS
13.	Unlisted accessory	SPS	SPS	SPS	10 feet
14.	Docks, decks and mooring pilings	N/A	N/A	7.5 feet or 15 feet	N/A
15.	Boat slips and ramps (private)	N/A	N/A	7.5 feet	N/A
16.	Satellite dish antennas	NP	15 feet	SPS	10 feet
17.	<u>Permanent emergency generators</u>	<u>NP</u>	<u>10 feet</u>	<u>See Sec. 4.02.01.D.13</u>	<u>N/A</u>

N = None.

N/A = Not applicable.

NP = **structure** allowed in rear of **building** only.

SPS = Calculated same as **principal structure**.

* = 1 foot/foot of **accessory** height = 1 foot/foot of **building** separation

¹1/foot of **accessory** height = 1/foot of **building** separation.

²In those cases where the coastal construction control line is involved, the coastal construction control line will apply.

³20 feet where swimming pool decks exceed 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear **setback** of ten feet.

⁴20 feet where floor or deck of porch exceeds 4 feet in height above top of seawall or top of bank, except Marco Island and Isles of Capri which may construct to a maximum of seven feet above the seawall with a maximum of four feet of stem wall exposure, with the rear **setback** of

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ten feet.

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