



Memorandum

To: Development Services Advisory Committee (DSAC)
From: Jeremy Frantz, LDC Manager
Date: June 6, 2018
Re: LDC Amendment Follow-up

At the DSAC meeting on May 2, 2018, several LDC amendments were reviewed, including:

- *Post-Hurricane Irma LDC Amendments*
- *Medical Marijuana Dispensaries*
- *Commercial Landscaping*

DSAC provided recommendations on all amendments, except the amendment that requires permanent emergency generators at gas station facilities (LDC section 5.05.05). This amendment clarifies the State mandate to install a generator transfer switch at gas stations, and it also introduces the requirement to install a permanent emergency generator.

In advance of a recommendation, DSAC requested additional information regarding the evacuation routes mentioned in the amendment. See the attached updated amendment draft and an evacuation route map.

Staff anticipates the following hearing dates:

- CCPC – May 17, 2018
- BCC – May 22, 2018 (Medical Marijuana Dispensaries only)
- BCC – June 12, 2018 (Medical Marijuana Dispensaries only)
- BCC – June 26, 2018

Please contact me if you have any questions.

Sincerely,

Jeremy Frantz, AICP
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Land Development Code Amendment Request

ORIGIN: Hurricane Irma After-Action Report to the Board of County Commissioners

AUTHOR: Growth Management Department, Zoning Division Staff

LDC SECTION: 5.05.05 Facilities with Fuel Pumps

SUMMARY: This amendment clarifies the requirement to install a generator transfer switch at facilities with fuel pumps and introduces the requirement to install a permanent emergency generator.

DESCRIPTON: At the Board of County Commissioners Work Session on November 7, 2017, Staff presented several regulatory responses to the After-Action Findings regarding the County's Hurricane Irma Response. Regulatory Action #3 suggested strengthening the emergency generator requirements for commercial gas stations located near the interstate highway and multi-pump stations located further inland. The recommendation also stated the need for annual testing of permanent on-site generators and operational certificates.

Currently, F.S. 526.143, requires newly constructed and substantially renovated gas stations be capable of operating under an alternate form of generated power. These standards require gas stations be pre-wired with a generator transfer switch. Corporations or other entities owning 10 or more gas stations within the County are required to have at least one portable generator for every 10 gas stations. The statute also requires a written statement attesting to the periodic testing of the equipment.

This LDC amendment models the standards from F.S. 526.143 and includes additional requirements based on the Board's After-Action Findings recommended regulatory action. This amendment proposes the following changes to LDC section 5.05.05 I.:

- 1) Modifies an existing LDC provision that requires all facilities with fuel pumps to be pre-wired with a generator transfer switch. This requirement only applies to motor fuel retail outlets for which a certificate of occupancy is issued on or after July 1, 2006, in F.S. 526.143;
- 2) Identifies certain facilities with fuel pumps that are required to install a permanent emergency generator. While F.S. 526.143 requires corporations owning 10 or more gas stations within a County to have a portable generator, this requirement would be unique to Collier County;
- 3) Facilities with fuel pumps with a permanent emergency generator or transfer switches shall conduct testing of the equipment under load and according to manufacturer's specifications, and keep a written statement on the site attesting to the periodic testing of the equipment. The requirement for testing is also found in F.S. 526.143. However, the requirement to perform testing "under load," would be unique to Collier County; and
- 4) Exempts certain uses, such as automotive vehicle dealers (SIC 5511), establishments operating a fleet of motor vehicles, and certain establishments that have a written agreement with a public hospital. These exemptions are also found in F.S. 526.143.

DSAC-LDR RECOMMENDATION: The DSAC-LDR Subcommittee reviewed the amendment on April 18, 2018. Lacking a quorum, the Subcommittee member present, as well as a regular member of the DSAC, made several suggestions and observations for further review at the regular DSAC meeting.

DSAC RECOMMENDATION: The DSAC reviewed the amendment on May 2, 2018. Prior to a recommendation being made, the DSAC requested additional information regarding the evacuation routes referenced in the amendment. The DSAC also suggested updating the applicability for this amendment to apply only to larger facilities with fuel pumps (i.e. more than 8 fueling stations). This amendment will be reviewed for a second time at the June 6, 2018, DSAC meeting.

FISCAL & OPERATIONAL IMPACTS: This amendment will result in additional costs to comply with those requirements that differ from existing State requirements. The land area necessary to accommodate the required generator and associated equipment may cause the site to become non-conforming with other LDC standards, such as off-street parking, required setbacks, landscaping, etc., which may cause further complications when transferring ownership of real property. Also, if adopted, a facility with fuel pumps may experience unanticipated costs when contemplating future expansions or renovations when discovering that a non-conformity exists because the site lacks the required generator.

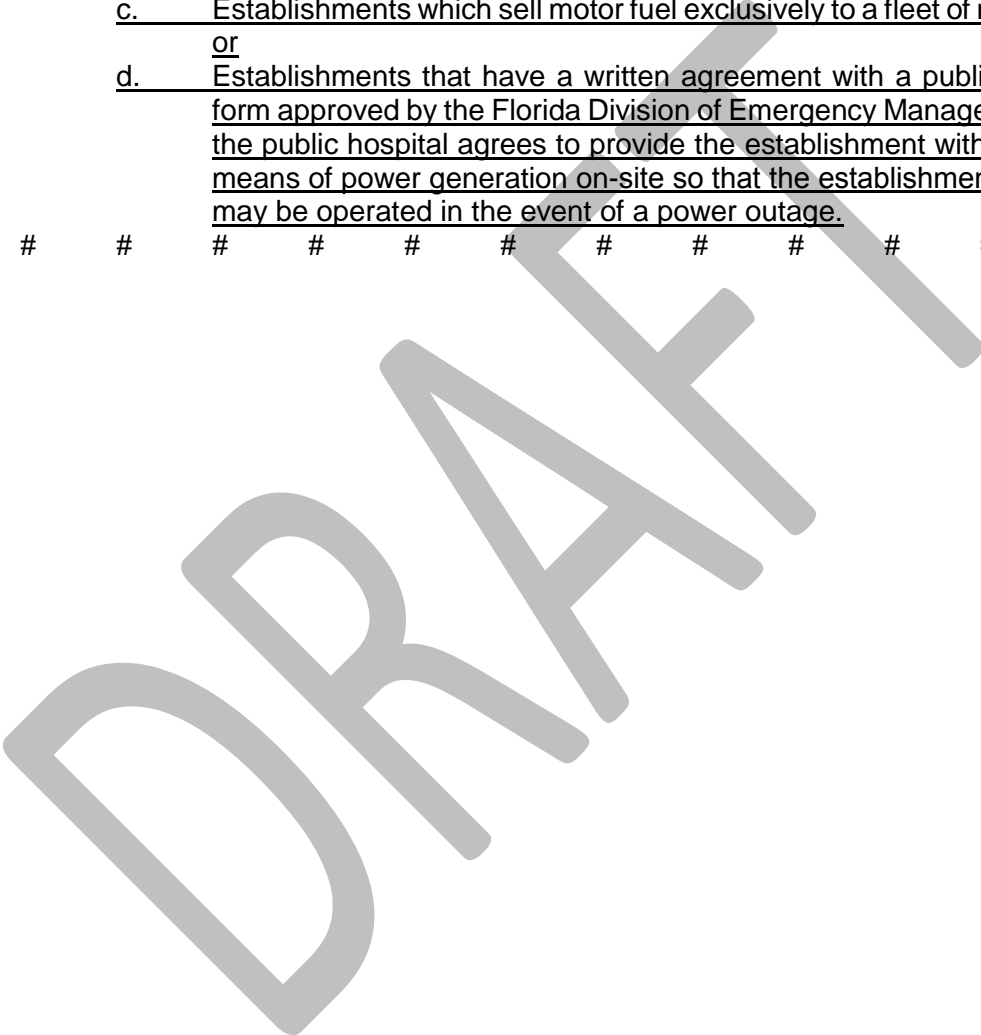
GROWTH MANAGEMENT PLAN IMPACTS: This amendment supports Goal 12 of the Conservation and Coastal Management Element of the GMP which requires the County, “to make every reasonable effort to ensure the public safety, health and welfare of people and property from the effects of hurricane storm damage.”

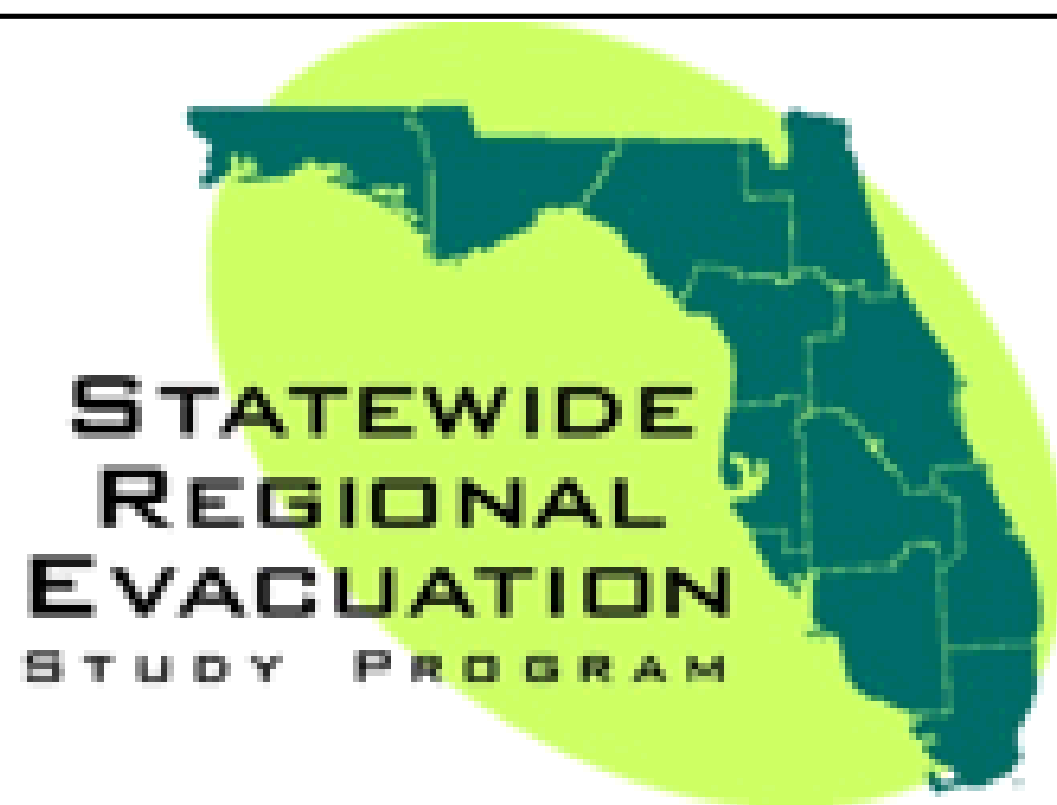
Amend the LDC as follows:

5.05.05 – Facilities with Fuel Pumps

- * * * * *
- 1. Permanent emergency generators.
 - 1. Purpose and intent. The following provisions are intended to protect the public health, safety, and welfare through improved evacuation capability and commercial fuel availability during a state of emergency.
 - 2. Generator Connection. Each facility with fuel pumps that does not meet the criteria in subsection 3 below, shall provide the necessary infrastructure and pre-wiring in order to provide the capabilities for generator service to the following in case of emergencies: all fuel pumps, dispensing equipment, life-safety systems, and payment-acceptance equipment.
 - 3. Permanent emergency generator. Facilities with fuel pumps shall install a permanent emergency generator capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment-acceptance equipment for use in case of emergencies under the following circumstances:
 - a. Newly constructed,
 - b. Located within one-half mile to an interstate highway or state or federally designated evacuation route, or

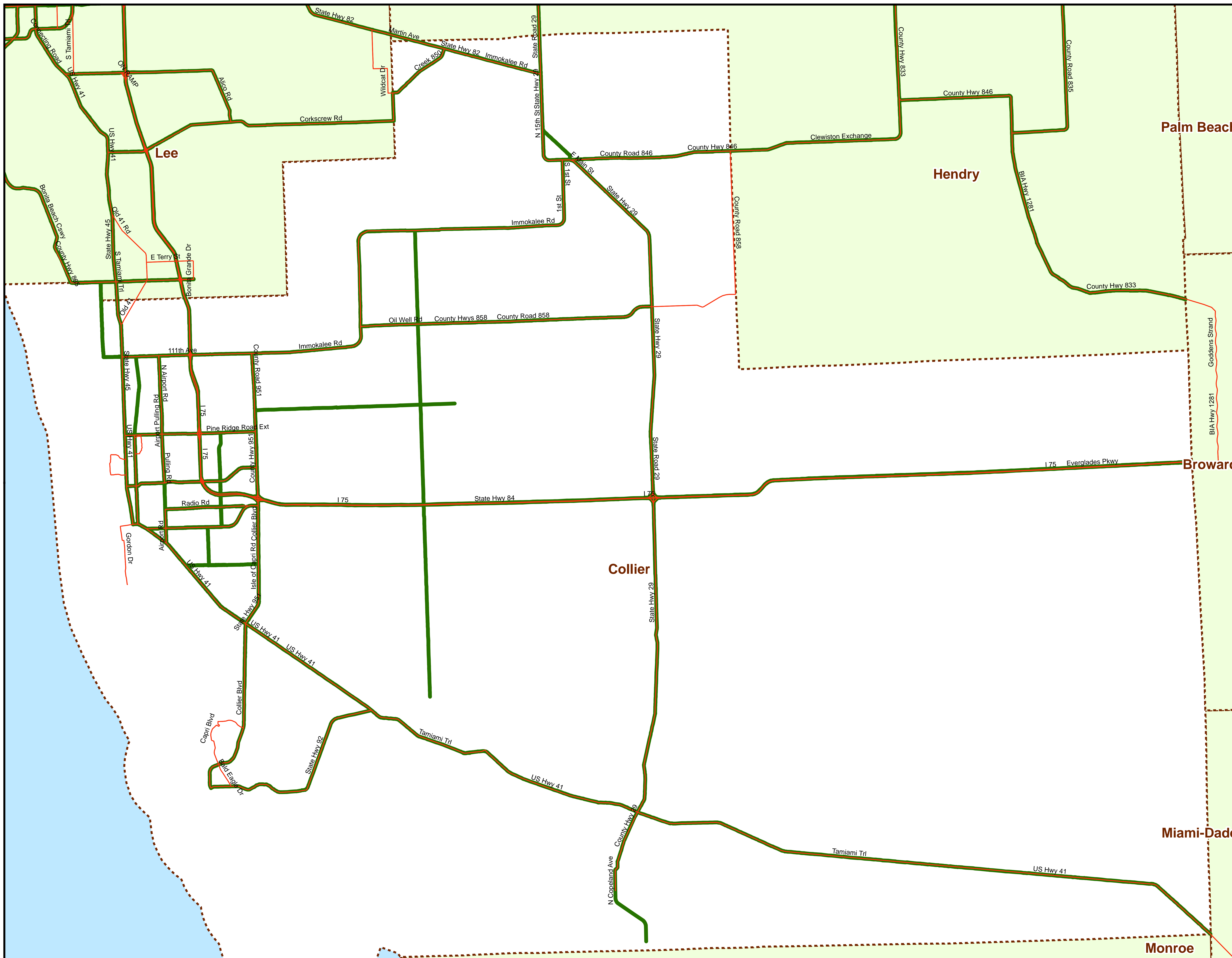
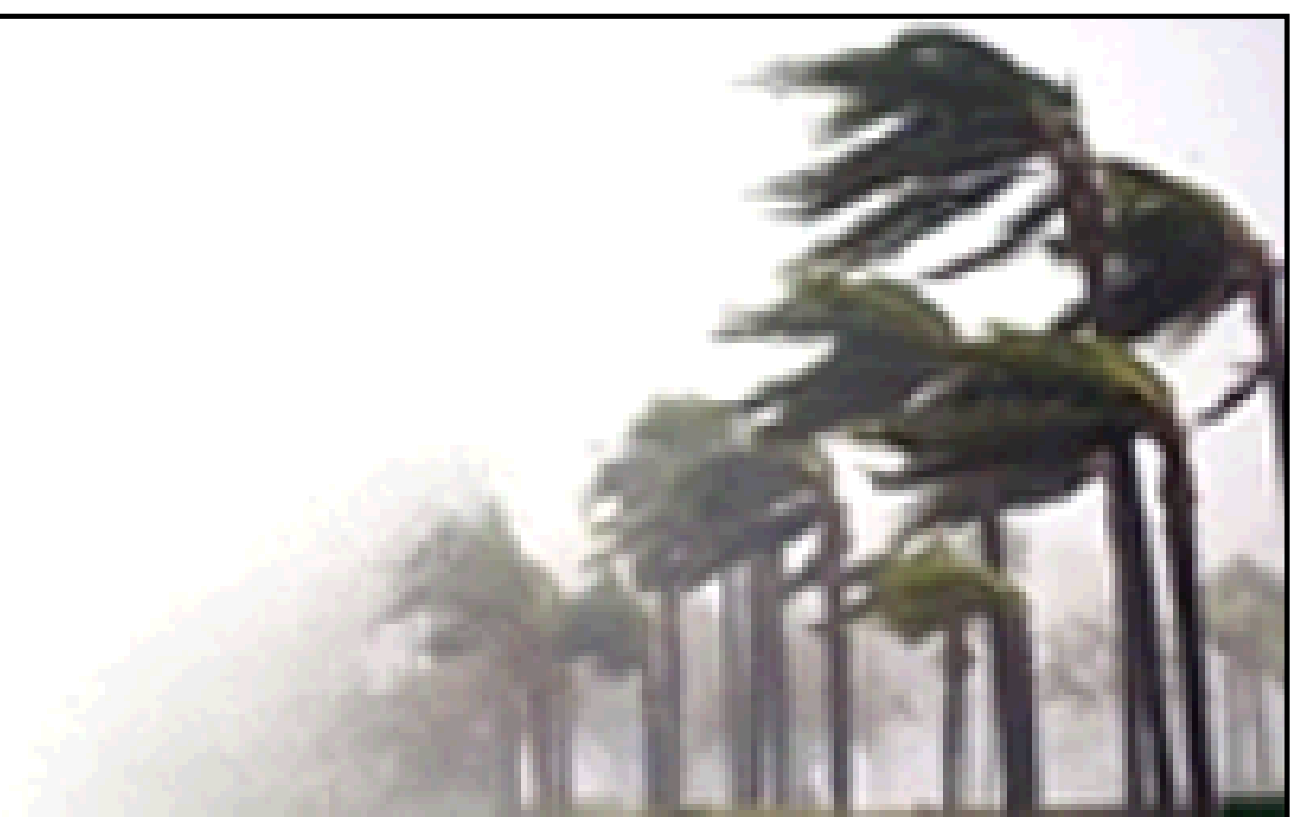
- 1 c. Additions or substantial renovations exceeding 50 percent of the
- 2 assessed value of the existing facility with fuel pump, including land and
- 3 improvements.
- 4 4. Permanent emergency generators and transfer switches must be tested under
- 5 load and according to manufacturer's specifications. Each facility with fuel pumps
- 6 must keep a written statement on site attesting to the periodic testing of the
- 7 equipment.
- 8 5. The following are exempt from LDC section 5.05.05 I:
- 9 a. Automotive vehicle dealers (SIC Code 5511);
- 10 b. Establishments operating a fleet of motor vehicles;
- 11 c. Establishments which sell motor fuel exclusively to a fleet of motor vehicles;
- 12 or
- 13 d. Establishments that have a written agreement with a public hospital in a
- 14 form approved by the Florida Division of Emergency Management, wherein
- 15 the public hospital agrees to provide the establishment with an alternative
- 16 means of power generation on-site so that the establishment's fuel pumps
- 17 may be operated in the event of a power outage.
- 18 # # # # # # # # # # # #





Southwest Florida Regional Planning Council

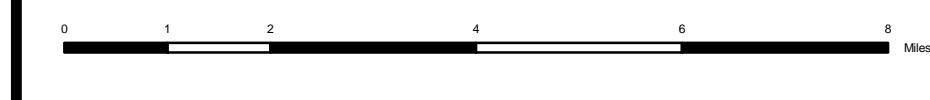
Evacuation Routes



COLLIER COUNTY

Map Legend

- Statewide Model Network
- Evacuation Routes



This map is prepared under the direction of Florida Division of Emergency Management for the Regional Evacuation Study Update. This map is for planning purposes only. Not to be used for measurement or legal purposes. Please consult with your county for the latest information.

