

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 523.07

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTION 66-1 "DEFINITIONS," OF CHAPTER 66 "ZONING," TO PROVIDE A DEFINITION FOR A PERMANENT ELECTRIC STANDBY GENERATOR AND SOUND LEVEL METER; CREATING SECTION 66-92 "PERMANENT ELECTRIC STANDBY GENERATORS;" PROVIDING REGULATIONS FOR PERMANENT ELECTRIC STANDBY GENERATORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, recently, the use of permanent electric standby generators within the Town of Golden Beach (the "Town") has become more prevalent due to power outages caused by hurricanes; and

WHEREAS, when in operation, such generators may have negative secondary effects such as, excessive noise and fumes; and

WHEREAS, it is the intent of the Town Council to permit permanent electric standby generators, subject to certain restrictions, which are necessary to minimize the negative secondary effects associated with the operation of such generators; and

WHEREAS, the Town Council finds this Ordinance to be in the best interest and welfare of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:¹

^{1/} Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~. Highlighted text indicates proposed amendments made between first and second reading.

Section 1. Recitals Adopted. That each of the above recitals is hereby adopted

and confirmed.

Section 2. Amendment to Section 66-1 of the Town Code of Ordinances.

Section 66-1 "Definitions" of Chapter 66 "Zoning" is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 66-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Permanent Electric Standby Generator means any stationary electric generator powered by an internal combustion engine which operates as a mechanical or electrical power source to provide power internal to a facility only when the primary power source for that facility has been rendered inoperable.

Sound Level Meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and A-Weighted sound level network with fast and slow integrating time constants, used to measure sound pressure levels. The sound level meter should be capable of measuring the A-Weighted equivalent sound level (Leq) and maximum sound levels, and shall have data logging capabilities. The meter shall be a Type 1 sound level meter as defined by ANSI Standard S1.4-1983 (R2001), Specifications for Sound Level Meters.

Section 3. Creating Section 66-92 of the Town Code of Ordinances.

Section 66-92 "Permanent Electric Standby Generators" is hereby created to read as follows:

DIVISION 1. GENERALLY

Sec. 66-92. Permanent Electric Standby Generators.

1. Permitted Zoning Districts. Permanent Electric Standby Generators shall be permitted to be located in all residential zoning districts, subject to the regulations set forth in this section.
2. Location. The hierarchy of the location, from most to least preferred, shall be as follows:
 - a. Roof and terrace top;
 - b. Front yards;
 - c. Rear yards; and
 - d. Side yards.
3. Setbacks. The following setback requirements shall apply when placing a Permanent Electric Standby Generator in the following locations:
 - a. Front yard. When located in the front yard, a Permanent Electric Standby Generator shall be setback a minimum of twenty (20) feet from the public right of way and five (5) feet from the adjacent side property line.
 - b. Side yard. When located in a side yard, a Permanent Electric Standby Generator shall be located within five (5) feet of the principal building.

- c. Rear yard. When located in a rear yard, a Permanent Electric Standby Generator shall be located within five (5) feet of the rear of the principal building and setback a minimum of ten (10) feet from the adjacent side property line.
4. Visual Screening. All Permanent Electric Standby Generators shall be completely screened on all sides by the use of walls, fences, landscaping, or other material approved by the Town Building Official.
5. Sound. A Permanent Electric Standby Generator shall not emanate noise greater than 100 decibels as measured from the nearest adjacent property line with a calibrated Sound Level Meter.
6. Fuel Source. The fuel source for all Permanent Electric Standby Generators shall be limited to natural or propane gas.

a. Natural gas.

If natural gas is used as the fuel source for the Permanent Electric Standby Generator, the natural gas shall be provided through an underground line connected to a supply at or within the public right-of-way.

b. Propane gas.

Propane gas shall be stored in propane gas storage tank(s). Propane gas storage tank(s) shall be limited to 500 gallons or less if placed above ground and 1,000 gallons or less if buried underground. Such tank(s) shall be installed in accordance with NFPA 58, as amended. When located in the front yard, propane gas storage tank(s) shall only be permitted to be located below ground. When located above ground in the

rear or side yard, such tank(s) shall be installed on structural slabs with the necessary wind uplift connections, screened from view in accordance with subsection 4 above, and located a minimum of five (5) feet from the adjacent side property line.

Section 4. Severability. That if any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Inclusion in the Code. That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Golden Beach, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Conflict. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

Sponsored by Town Administration.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Councilmember Rojas, and on roll call the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>

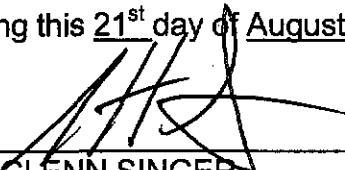
Councilmember Einstein Aye
Councilmember Rojas Aye
Councilmember Lusskin Aye

PASSED AND ADOPTED on first reading this 17th day of July, 2007.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Rojas, seconded by Councilmember Lusskin and on roll call the following vote ensued:

Mayor Singer Aye
Vice Mayor Bernstein Aye
Councilmember Einstein Aye
Councilmember Rojas Aye
Councilmember Lusskin Aye

PASSED AND ADOPTED on second reading this 21st day of August, 2007.



MAYOR GLENN SINGER

ATTEST:



ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY