



City of South Miami

Planning and Zoning Department

6130 Sunset Drive, South Miami, Florida 33143
Telephone: 305.663.6331 or 6326; Fax: 305.668.7356

Application for Permanent Generator

Address of Subject Property:	Lot(s) _____ Block _____ Subdivision _____ PB _____
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Property Owner:	Phone:
Mailing Address:	Fax:

Applicant:	Phone:
Address:	

Zoning District _____

APPLICATION IS HEREBY MADE FOR THE FOLLOWING:
1) Is the generator certified by Underwriters Laboratory (UL) _____
2) Is the generator Internally filled or externally filled? _____
3) What type of fuel does the generator use? _____
4) Does the generator exceed 65dB at the minimum setback? _____

SUBMITTED MATERIALS
PLEASE CHECK ALL THAT APPLY:
<input type="checkbox"/> Proof of ownership or letter from owner
<input type="checkbox"/> Owners manual (Generator)
<input type="checkbox"/> Current survey
<input type="checkbox"/> Site Plan (11"x17" max. size)
<input type="checkbox"/> Required Fee (\$100.00)

The undersigned has read this completed application and represents that the information and all submitted materials are true and correct to the best of the applicant's knowledge and belief.

Applicant's Signature

Date

Upon receipt, applications and all submitted materials will be reviewed for compliance with the Land Development Code (LDC), City of South Miami, and other applicable regulations. Applications found not in compliance will be rejected and returned to the applicant.

OFFICE USE ONLY:
Date Filed: _____ Approved by: _____ Date of Approval: _____
Method of Payment _____

ORDINANCE NO. 09-06-1877

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF SOUTH MIAMI, FLORIDA TO ADD SECTION 20.3.6 (S) ENTITLED GENERAL REQUIREMENTS AND STANDARDS FOR PERMANENT GENERATORS IN RESIDENTIAL ZONE DISTRICTS; PROVIDING FOR SEVERABILITY, ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the citizens of South Miami have asked the City to create provisions for permanent generators in residential areas; and

WHEREAS, the proposed ordinance is based upon the most current national and local standards for safety, nuisance control, and environmental health; and

WHEREAS, the Planning Board at its January 31, 2006 meeting, after a public hearing, adopted a motion by a vote of 7 ayes 0 nays, recommending approval of the proposed amendment; and

WHEREAS, the Mayor and City Commission desire to accept the recommendation of the Planning Board and enact the aforesaid amendment.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA THAT:

Section 1. The South Miami Land Development Code is hereby amended by adding a new Section as follows:

SECTION 20.3.6.(S) GENERAL REQUIREMENTS AND STANDARDS FOR PERMANENT GENERATORS IN RESIDENTIAL ZONE DISTRICTS

(A) Intent and Purpose

The intent and purpose of this section is to regulate the use and installation of permanent generators in residential zone districts using standards listed herein.

(B) Definitions

For purposes of this section, the following definitions shall apply:

Decibel – A logarithmic measure of sound. Pertaining to generators, the required decibel level of the generator shall be listed in the generator manual or be measured

by a sound engineer or other qualified individual as approved by the Building Department.

Decibel Measurement – Decibels shall be measured according to industry standards by a qualified individual at the abutting property line.

Externally-filled generator – A permanent generator which receives fuel from an external source, thus needing to be manually refueled in order to work properly. This is accomplished through pouring fuel into an intake area (e.g. gasoline) or connecting containers of fuel to an intake valve (e.g. propane).

Internally-filled generator – A permanent generator which receives fuel from an internal source. This is accomplished through a permanent connection to a fuel source, thus avoiding manual refueling (e.g. natural gas).

(C) Submittal Requirements

(1) Installation of permanent generators in two-family, townhouse, or multi-family zone districts shall be subject to all requirements set forth in this Section and shall also be required to receive approval via the Special Use process, in accordance with procedures set forth in Section 20-5.5.

(2) Installation of permanent generators in all residential zones shall undergo the following process:

(1) Planning Department Submittal:

(a) Site plan drawings and specifications shall be submitted showing the location of the property, the placement of the generator on the property, location of all doors, windows and other openings into the dwelling and each distance from the generator, measurements and placement of exhaust of the generator, setback from abutting property(ies), and screening type, size, and measurements.

(b) A copy of the generator's user manual, listing specifications for the generator.

(c) Any other information as deemed necessary by the Planning Department.

(2) Building Department Application – Upon site plan and screening approval by the Planning Department, an application and submittal process to the Building Department shall have the following requirements:

(a) enumerated list of each electrical device that will be input into the generator, the required amount of voltage needed to power the electrical device, and calculations showing the output of the generator is not exceeded by the input of electrical devices

(b) Proof of purchase of an indoor, battery-powered carbon monoxide detector.

(c) Signed affidavit by a licensed electrician stating the installation will follow the requirements of this ordinance, any other applicable city

ordinances, the National Electric Code, the Florida Building Code, and any other requirement of law having jurisdiction over the process listed herein.

- (d) Approved Planning Department information listed in (C)(1) of this ordinance.
 - (e) Any other information as deemed necessary by the Building Department.
- (3) If the generator is an externally fuel filled generator, then the applicant shall submit the following to the Planning Department and the Building Department:
- (a) Description and specifications of the type of containers that will be used to store the fuel.
 - (b) The area at the dwelling where the fuel will be stored.
 - (c) Fuel containers shall be kept outside pursuant to the "South Florida Fire Prevention Code", Chapter 14 - Article III of the Miami-Dade County Code of Ordinances and shall be held in an approved area and properly screened

(D) Criteria

- (1) Location. Permanent generators shall only be permitted on improved property with a principal structure and installed behind the front façade of the structure.
- (2) Setbacks. The generator shall be installed a minimum of 12.5 feet from the side and rear property lines.
- (3) Noise. The maximum noise output from the generator cannot exceed 65dB (decibels) at the minimum setback.
- (4) Emissions.
 - (a) Generator shall be installed at least five feet away from any window, door, or other opening into the dwelling.
 - (b) Generator's exhaust shall be placed five feet from any window, door, or opening into the dwelling, and a minimum of 15 feet from any window, door, or opening of adjacent properties.
 - (c) A battery-powered carbon monoxide detector shall be purchased and placed at the nearest window, door, or opening into the dwelling.
 - (d) The United States Environmental Protection Agency (EPA) and the California EPA Air Resources Board test and certify small engines for minimal emissions:
 - (i) If the proposed generator is EPA or CARB certified, the generator shall be deemed to meet safe emissions standards.
 - (ii) If the generator is not EPA or CARB certified, the Building Department shall make a determination if the generator submitted by the applicant will result in emissions performance which are equivalent to the above standards.
- (5) Electrical requirements, generally:
 - a) Electrical permit for the installation of the generator shall be obtained by the licensed electrician or the electrician's agent.

- b) The input of electrical devices into the generator shall not exceed the output of the generator.
 - c) Any change in electrical inputs into the generator shall receive prior approval from the Building Department and shall be performed by a licensed electrician. Applicant shall resubmit all necessary items listed in Section C herein.
 - d) The generator shall be certified by the Underwriters Laboratory (UL) for electrical safety.
- (6) Gas Supply, internally:
- a) An internal gas supply into a generator shall be installed by an appropriate licensed professional and the professional shall obtain all proper and necessary permits.
 - b) All specifications and information concerning an internal gas feed shall be submitted with all other necessary information required.
- (7) Gas Supply, externally:
- (a) In order to assure safety from fumes, spillage, and other safety precautions, the Building Department shall examine and have the power to approve:
 - (i) Type of fuel;
 - (ii) Fuel storage containers, and;
 - (iii) Outdoor fuel holding area
 - (b) The Planning Department will examine site plans for an outside fuel storage area and appropriate screening.
 - (c) The applicant shall submit all information required under (D)(2)(g) of this ordinance.

(E) Usage

The use of permanent generators shall be permitted only during the following:

- (1) General power outage.
 - (a) shut off immediately after utilities are restored
- (2) **Testing.**
 - (a) **Shall be as set forth in the manufacturer's specification for the installed unit.**
 - (b) Only during the period 9:00 AM to 5:00 PM
 - (b) Testing shall not exceed 30 minutes

(F) Fees

- (1) A \$50 fee shall be paid to the Planning Department as part of the site plan inspection.
- (2) Additional fees shall be established pursuant to Ordinance No. 15-04-1822, as amended, "Processing Fee Schedule", of the City of South Miami.
- (3) If the generator is externally filled, or does not meet emissions certifications standards, the Planning Department or Building Department may have to assess

additional fees to the applicant for research into whether or not the generator meets safe emissions standards.

(G) Final Inspection

- (1) Applicant shall setup a final site plan inspection with the Planning Department within seven (7) days of final installation and screening of permanent generator and outdoor fuel storage area, where applicable.
- (2) No later than six months following the approval for a permanent generator, the applicant shall schedule a final inspection with the Department for verification and acceptance of the final work authorized.
- (3) Failure to meet final inspection deadlines shall:
 - (a) Prohibit the installation and use of the permanent generator, and
 - (b) Cancel the application process and force applicant to reapply to the Planning Department and Building Department and pay all appropriate fees, or
 - (c) Force the applicant to immediately remove the generator from the property with notice, if there is no compliance

Section 2. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, this holding shall not affect the validity of the remaining portions of this ordinance.

Section 3 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

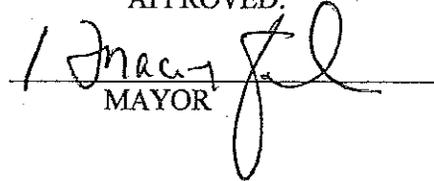
Section 4. This ordinance shall be effective immediately after the adoption hereof.

PASSED AND ADOPTED this 7th day of March, 2006

ATTEST:


CITY CLERK

APPROVED:


MAYOR

1st Reading - 2/21/06
2nd Reading - 3/7/06

READ AND APPROVED AS TO FORM:


CITY ATTORNEY

COMMISSION VOTE:	5-0
Mayor Feliu:	Yea
Vice Mayor Wiscombe:	Yea
Commissioner Palmer:	Yea
Commissioner Birts-Cooper:	Yea
Commissioner Beckman:	Yea

ORDINANCE NO. 30-06-1898

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, PROVIDING FOR A TECHNICAL AMENDMENT TO THE CITY OF SOUTH MIAMI LAND DEVELOPMENT CODE, BY AMENDING SECTION 20-3.6(T) ENTITLED "GENERAL REQUIREMENTS AND STANDARDS FOR PERMANENT GENERATORS IN RESIDENTIAL ZONE DISTRICTS" IN ORDER TO CORRECT A TECHNICAL ERROR RELATED TO THE MINIMUM DISTANCE A GENERATOR MUST BE FROM ANY WINDOW, DOOR OR OPENING INTO A DWELLING; PROVIDING FOR SEVERABILITY; ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Commission on March 7, 2006 adopted Ord. No. 09-06-1877 amended the Land Development Code to create Section 20-3.6(T) establishing requirements and standards for the installation of permanent generators; and

WHEREAS, it has been determined that one criteria in the City's Land Development Code concerning the location of generators was not consistent with the Florida Building Code.; and

WHEREAS, the City's Land Development Code requires that generators (and generator exhaust) be located at least five feet from any window, door or other opening, however, the Florida Building Code in Sections 401.5.1 and M1602 (1)(2) mandates that intake openings (windows, doors, other openings) must not be located within 10 feet of any hazardous or noxious contaminants; and

WHEREAS, in order to assure that residents and applicants do not submit plans which will not be accepted, it is proposed that subparagraph Section 20-3.6(T)(D)(4) be amended to read "as set forth in the Florida Building Code"; and

WHEREAS, the Planning Board at its October 10, 2006 meeting, after public hearing, approved a motion by a vote of 5 ayes 0 nays recommending that the proposed Land Development Code technical amendment pertaining to the location of generators be adopted; and

WHEREAS, the City Commission desires to accept the recommendations of the Planning Board and enact the aforesaid amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. That Section 20-3.6(T)(D)(4) of the Land Development Code is hereby amended to read as follows:

"(D) Criteria

- (1) Location. Permanent generators shall only be permitted on improved property with a principal structure and installed behind the front façade of the structure.
- (2) Setbacks. The generator shall be installed a minimum of 12.5 feet from the side and rear property lines.
- (3) Noise. The maximum noise output from the generator cannot exceed 65dB (decibels) at the minimum setback.
- (4) Emissions.
 - (a) Generator shall be located at a minimum distance installed at least five feet away from any window, door, or other opening into the dwelling as set forth in the Florida Building Code.

- (b) Generator's exhaust shall be located at a minimum distance away ~~placed five feet~~ from any window, door, or opening into the dwelling as set forth in the Florida Building Code, and a minimum of 15 feet from any window, door, or opening of adjacent properties.
- (c) A battery-powered carbon monoxide detector shall be purchased and placed at the nearest window, door, or opening into the dwelling.
- (d) The United States Environmental Protection Agency (EPA) and the California EPA Air Resources Board test and certify small engines for minimal emissions:
 - (i) If the proposed generator is EPA or CARB certified, the generator shall be deemed to meet safe emissions standards.
 - (ii) If the generator is not EPA or CARB certified, the Building Department shall make a determination if the generator submitted by the applicant will result in emissions performance which are equivalent to the above standards.
- (5) Electrical requirements, generally:
 - a) Electrical permit for the installation of the generator shall be obtained by the licensed electrician or the electrician's agent."

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

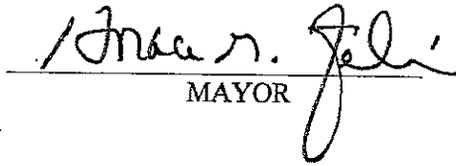
Section 5. This ordinance shall be effective immediately after the adoption hereof.

PASSED AND ADOPTED this 5th day of Dec., 2006

ATTEST:

APPROVED:

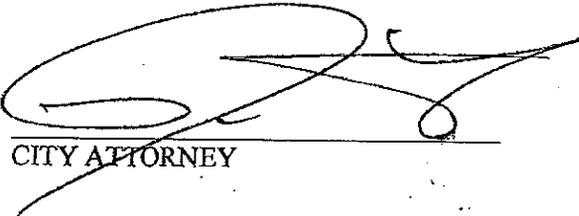

 CITY CLERK


 MAYOR

1st Reading - 11/13/06
 2nd Reading - 12/5/06

READ AND APPROVED AS TO FORM:

COMMISSION VOTE:
 Mayor Feliu: 5-0
 Vice Mayor Wiscombe: Yea
 Commissioner Palmer: Yea
 Commissioner Birts: Yea
 Commissioner Beckman: Yea


 CITY ATTORNEY

NOTE: New wording underlined; wording to be removed indicated by strike-through.