

TOWN OF PALM BEACH

NOTICE TO GENERATOR PERMIT APPLICANTS

A general contractor is required for poured slabs. An electrical contractor can be the primary contractor if using a pre-cast slab. All contractors are responsible for a notice of commencement if a general contractor does not pull a master permit.

All contractors will be required to submit the complete generator installation package with their permit application. Complete slab, electrical and gas information is required with the proper permit applications.

PLEASE PROVIDE ONE COPY OF THE PERMIT APPLICATIONS AND TWO COPIES OF THE FOLLOWING WITH EACH GENERATOR PERMIT APPLICATION:

- 1 PERMIT APPLICATIONS FOR ELECTRICAL AND GAS PIPING (AND BUILDING IF REQUIRED)
- 2 CURRENT SURVEY OR SITE PLAN SHOWING PROPOSED GENERATOR LOCATION AND INDICATING DISTANCES TO PROPERTY LINES. SHOW ANY SCREENING REQUIRED BY TOWN CODE 134-1729. A SURVEY SHOWING ALL EASEMENTS MAY BE REQUIRED.
- 3 SIGNED AND SEALED DRAWINGS FOR PRECAST OR CAST-IN-PLACE SLABS SHOWING GENERATOR ATTACHMENT. SIGNED AND SEALED DRAWINGS FOR ALL WALLS.
- 4 COMPLETE ELECTRICAL DRAWINGS AND SPECIFICATIONS INCLUDING LOAD CALCULATIONS
- 5 COMPLETE GAS DRAWINGS AND SPECIFICATIONS. ENGINEERING FOR ANTI-BOUYANCY REQUIRED FOR ALL UNDERGROUND TANKS

MUST MEET REQUIREMENTS OF ZONING ORDINANCE 5-07
INCOMPLETE APPLICATIONS WILL BE RETURNED

ORDINANCE NO. 5-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, OF THE CODE OF ORDINANCES AS FOLLOWS: SECTION 134-1729 BY MODIFYING AND ADDING REGULATIONS FOR THE SIZE AND PLACEMENT OF GENERATORS IN ALL OF THE TOWN'S ZONING DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Chapter 134, Zoning, of the Code of Ordinances, be amended as hereinafter set forth.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Eliminate the first paragraph in Sec. 134-1729. Generators and swimming pool equipment, in its entirety and replace with the following language:

Sec. 134-1729. Generators and swimming pool equipment.

Except for generators serving a public purpose and owned and operated by the Town, and which are therefore exempt from these regulations, portable or permanent generators temporarily or permanently placed on the ground, on a stand or on a trailer, shall not be placed in the required front, street side or street rear yard setbacks; provided, however, not more than one such generator shall be placed in any given required side or rear yard setback.

- (a) One portable or permanent generator with an output of not more than 60 KW shall be allowed in a required side or rear yard setback provided said generator meets the following conditions.
1. The generator is set back a minimum of five feet from the property line.
 2. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in Sec. 42-228.
 3. The highest point on the generator shall not exceed a maximum of seven feet above the neighboring property owner's grade or zero datum as defined in the appropriate definition of building height in Sec. 134-2.

4. The generator is screened from the neighboring property owners by a wing wall (three-sided wall), at least four feet high or the same height as the generator (including the height of the exhaust muffler), whichever is greater.
 5. The generator's exhaust is, as much as practically feasible, vented upwards or directed away from neighboring properties.
 6. The generator shall be used only during periods of power outages or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company or for use by power customers during periods of peak demand.
 7. The generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 p.m. and 3:00 p.m.
 8. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.
- (b) A portable or permanent generator may be permanently or temporarily placed on the ground, on a stand, or on a trailer outside of required yard setback areas; provided, however, said generator meets the following conditions.
1. If the generator's output capability is greater than 60KW, it shall be placed on the property only in conformance with the setback requirements applicable to a principal structure.
 2. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in Sec. 42-228.
 3. If the generator's output capacity is greater than 100 KW, it shall be subject to site plan review as defined in Sec. 134-326 through 134-330 and shall be housed in an enclosed building with landscaping as approved by the Architectural Commission or Landmarks Preservation Commission, whichever is appropriate.
 4. If the generator is greater than 60KW and is 100KW or less, and is visible from a street or public way, it shall be screened from the neighboring properties by a wing wall (three-sided wall), at least four feet high or the same height as the generator (including the height of the exhaust muffler), whichever is greater.

5. If the generator is 60KW or less and is visible from a street or public way, its location shall be subject to approval by the Architectural Commission or Landmarks Preservation Commission, as applicable. Intervening landscape material shall not be considered when determining a generator's visibility.
 6. The generator's exhaust is, as much as practically feasible, vented upwards or directed away from neighboring properties.
 7. The generator shall be used only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company.
 8. The generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 pm. and 3:00 p.m.
 9. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.
- (c) Notwithstanding paragraph (a) of this Section 134-1729, the Director or designee may grant a waiver allowing a generator with an output capability in excess of 60KW to be located within a required side or rear yard setback, provided the applicant submits to the Town a site plan and evidence or testimony substantiating each of the following conditions:
1. The output of a 60 KW or less generator is incapable of providing enough electricity for the basic necessity of occupying a building and/or protecting interiors or possessions in a building from the damaging effects of prolonged loss of power.
 2. The proposed location is not merely for the convenience or preference of the applicant, but that there is no other location outside of the required setbacks that will provide for safe placement of the generator.
 3. The proposed location represents the minimum intrusion into the required setback(s) necessary to safely accommodate the generator.
- (d) If an administrative waiver is not granted pursuant to section (c) above the applicant may appeal the administrative decision to the Town Council pursuant to Sec. 134-131 through 134-145.

Section 2. Severability

If any provision of this ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are hereby declared severable.

Section 3. Repeal of Ordinance in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or portions thereof which conflict with this or any part of this ordinance are hereby repealed.

Section 4. Codification

This ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

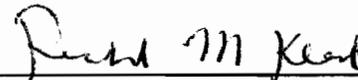
Section 5. Effective date

This ordinance shall take effect 31 days subsequent to its enactment on second and final reading and approval, as provided by law.

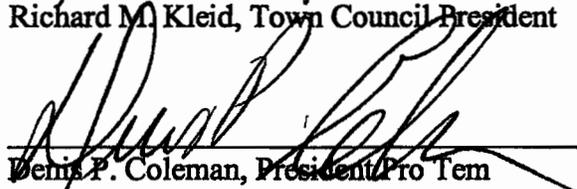
PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of March 2007, for second and reading on this 10th day of April 2007, and for third and final reading on this 8th day of May 2007.



Jack McDonald, Mayor



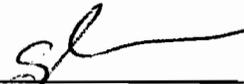
Richard M. Kleid, Town Council President



Dennis P. Coleman, President Pro Tem



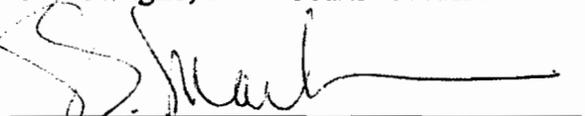
William J. Brooks, Town Council Member



Gail Coniglio, Town Council Member

ATTEST:

Susan A. Eichhorn, Town Clerk



Susan Markin, Town Council Member