

CITY OF SANIBEL
PLANNING COMMISSION RESOLUTION 25-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, RECOMMENDING THAT CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 30, ENVIRONMENT, ARTICLE III, NOISE, SECTION 30-65, EXCEPTIONS; SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 78, GENERAL PROVISIONS, SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION II, SHORT-FORM, SECTION 82-401, APPLICATION; AND CHAPTER 126 ZONING. ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, RENAMING DIVISION 16, ELECTRICAL POWER GENERATORS AND HVAC, TO ELECTRICAL AND MECHANICAL EQUIPMENT; TO CREATE AN ADMINISTRATIVE WAIVER PROCESS TO PROVIDE AN EXEMPTION TO DEVELOPED AREA AND IMPERMEABLE COVERAGE LIMITATIONS AS IT RELATES TO SOLAR EQUIPMENT INSTALLATIONS; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS.

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on July 8, 2025, at which the Planning Commission heard and considered comments and recommendations from the Planning Staff and the public pertaining to a draft amendment to create an administrative waiver process to provide an exemption to developed area and impermeable coverage limitations as it relates to solar equipment installations; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan, specifically Section 3.1.1 Damage Reduction, in supporting hurricane safety by reducing sustained storm damage and facilitating recovery after natural disasters, thereby advancing the objectives of the Plan; and

WHEREAS, the Planning Commission finds the proposed amendment to be consistent with the Sanibel Plan, specifically Section 3.3.9 Other Human Support Systems, by encouraging the efficient use of electrical energy and supporting the adoption of new technologies for energy generation and conservation, thereby furthering the objectives of the Plan; and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code, in accordance with the standards set forth in Land Development Code Section 82-241; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission finds the proposed amendments to the Land Development Code attached hereto as Exhibit A, are consistent with the Sanibel Plan, meet the above-referenced requirements, and recommends that the City Council adopt said amendments in the form of an ordinance.

PASSED IN OPEN AND REGULAR SESSION OF THE PLANNING COMMISSION OF THE CITY OF SANIBEL, FLORIDA, THIS 8TH DAY OF JULY 2025.

Attest:


Scotty Lynn Kelly, City Clerk


Paul Nichols, Chair

Approved as to form and legality:



John D. Agnew, City Attorney

Date filed with City Clerk: July 8, 2025

Vote of Commission Members:

Nichols	<u>Aye</u>
Steiner	<u>Aye</u>
Burns	<u>Aye</u>
Colter	<u>Aye</u>
Schopp	<u>Aye</u>
Sergeant	<u>Excused</u>
Welch	<u>Excused</u>

EXHIBIT A OF RESOLUTION

Agenda Item
Meeting ofCITY OF SANIBEL
ORDINANCE 25-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 30, ENVIRONMENT, ARTICLE III, NOISE, SECTION 30-65, EXCEPTIONS; SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 78, GENERAL PROVISIONS, SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION II, SHORT-FORM, SECTION 82-401, APPLICATION; AND CHAPTER 126 ZONING. ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, RENAMING DIVISION 16, ELECTRICAL POWER GENERATORS AND HVAC TO ELECTRICAL AND MECHANICAL EQUIPMENT; TO CREATE AN ADMINISTRATIVE WAIVER PROCESS TO PROVIDE AN EXEMPTION TO DEVELOPED AREA AND IMPERMEABLE COVERAGE LIMITATIONS AS IT RELATES TO SOLAR EQUIPMENT INSTALLATIONS; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS

WHEREAS, the Sanibel Plan identifies the reduction of risk to human life and damage to public and private property from natural disasters as a key objective; and

WHEREAS, the Sanibel Plan also emphasizes the importance of supporting post-hurricane recovery efforts; and

WHEREAS, the City acknowledges that generators, and solar energy systems enhance community resilience by enabling residents to remain in their homes during power outages; and

WHEREAS, the Planning Commission finds that the proposed amendment is not in conflict with Section 3.10.5 of the City Charter; and

WHEREAS, the Planning Commission held a legally and properly advertised public hearing on July 8, 2025, on specific proposed amendments to the Land Development Code; and

WHEREAS, the Planning Commission may recommend to the City Council amendments to regulations of the Land Development Code (LDC), in accordance with the standards set forth in LDC Section 82-241; and

WHEREAS, the Planning Commission found the proposed amendments to the LDC as referenced above to be consistent with the Sanibel Plan and meet the requirements of LDC Section 82-241, and recommended by a vote of 5 to 0 that the City Council adopt said amendments in the form of an ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. Sanibel Code of Ordinances, Chapter 30, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

...

Sec. 30-65. - Exceptions.

Regardless of the limitations set forth in section 30-64, the following shall be permitted:

- (a) The operation of warning or emergency signal devices such as sirens, horns, and bells when reasonably utilized for their intended purpose.
- (b) Noises resulting from equipment or operations incidental to emergency installation, maintenance or repair of facilities or the restoration of services such as public utilities or other emergency work in the public interest, as determined by the city manager.
- (c) The operation of a permanently installed ~~an emergency electrical power~~ generator in conformance with the standards in sections 126-1307, and 126-1308 ~~for emergency electrical power generators in section 126-1306~~ of the Land Development Code.
- (d) Noises consistent with cultural, sporting, historical or traditional observances, holidays, ceremonies, parades, and concerts, provided that any such event is operated and conducted pursuant to, and accordance with the conditions of, a special event permit issued pursuant to section 110-46 et seq.
- (e) Except as provided in section 30-70, the operation of equipment or the conduct of activities normal to residential communities such as lawn care, soil cultivation, domestic power tools, lawn mowers, maintenance of trees, hedges, and gardens, refuse collection, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping, church bells, and other normal community operations, between the hours of 8:00 a.m. to 9:00 p.m.

SECTION 3. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter 78, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 78 – GENERAL PROVISIONS

Sec. 78-1. – Rules of construction and definitions

...

- (c) Throughout this Land Development Code, the following words and phrases shall have the meanings indicated unless the text of the article or section in which used clearly indicates otherwise:

...

Electrical and mechanical equipment means any system, device, or unit that provides or supports a structure's utility, power, or environmental control functions. This includes electric power generators; HVAC condensers and air handling units; solar energy system components (such as inverters, batteries, and related electrical panels); pool and spa equipment; irrigation pumps; water treatment systems; and control panels, utility meters, and associated platforms and access stairs.

...

SECTION 4. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter 82, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 82 – ADMINISTRATION

...

ARTICLE IV. – DEVELOPMENT PERMITS

...

DIVISION 2. – PROCEDURE

...

Subdivision II. – Short-Form

Sec. 82-401. – Application

A short-form application may be available for the following types of development:

- (~~a1~~) Construction of a single-family dwelling or duplex, and for the relocation of an existing structure for residential use, except an application which raises questions as to compliance with the provisions of section 86-43.
- (~~b2~~) Additions or extensions to existing buildings, which do not raise questions as to the compliance with the provisions of section 86-43. Additions or extension to existing buildings or structures that are required to meet federal or state requirements for that use.
- (~~c3~~) Commercial buildings not exceeding 2,000 square feet of floor area and additions, not exceeding 2,000 square feet of floor area, to commercial buildings.
- (~~d4~~) Private garages, boat docks, and other accessory uses to an already existing principal use. Accessory structures, including recycling areas.
- (~~e5~~) Development by public utilities in accordance with provisions of their franchises, granted by the city.
- (~~f6~~) Removal or alteration of vegetation. (Note: vegetation permit may be required.)
- (~~g7~~) Changes of use on a site which, after the change, will be conforming in all respects with the requirements and limitations of this Land Development Code.
- (~~h8~~) Permitted repairs to structures listed on the historic register.
- (~~i9~~) Emergency beach shoreline erosion control development.
- (~~j10~~) Repairs or reconstruction of existing seawalls in manmade waterbodies, where seawalls are permitted as conditional uses; and repairs or reconstruction of existing nonconforming seawalls which are less than substantially damaged in manmade waterbodies where seawalls are not permitted as conditional uses.
- (~~k11~~) Accessory beach equipment for resort housing uses, pursuant to the requirements of section 126-636.
- (~~l12~~) Building back either a nonconforming structure or a nonconforming use of a nonconforming structure that has been destroyed or substantially damaged by a natural disaster within the three-dimensional outline of the lawfully existing habitable area of the pre-disaster building and the footprint of the lawfully existing pre-disaster building.
- (~~m13~~) Electrical and mechanical equipment ~~Permanently installed emergency electrical power generators~~ in accordance with the requirements of chapter 126 zoning, article XIV supplementary district regulations, division 16 electrical and mechanical equipment ~~emergency electrical power generators~~. A long-form development permit application is required for an electrical power generator intended for general, unrestricted use. Unrestricted use means that there are no restrictions on the operation of an electrical power generator which limit its use to times when the primary electrical service is out or for the performance testing cycle of the generator.

SECTION 5. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter 126, is hereby amended with ~~strikethrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 126 – ZONING

...

ARTICLE XIV. – SUPPLEMENTARY DISTRICT REGULATIONS

...

DIVISION 16. – ELECTRICAL AND MECHANICAL EQUIPMENT POWER GENERATORS AND HVAC

Footnotes:

--- (11) ---

Editor's note— Ord. No. 22-004, § 2, adopted June 7, 2022, amended Div. 16 in its entirety to read as herein set out. Former Div. 16, §§ 126-1305—126-1307 was entitled "Emergency Electrical Power Generators," and derived from: Ord. No. 06-018 ~~06-019~~, §§ 2, 3, adopted Dec. 5, 2006; and Ord. No. 08-006 ~~08-066~~, §§ 2—4, adopted April 15, 2008.

Sec. 126-1305. Purpose.

The purpose of this division is to establish application requirements and procedures for the installation and regulation of permanently installed electrical and mechanical equipment, including associated platforms and access stairs.

In the interest of public safety and general welfare, the city manager or the city manager's designee, is authorized to approve administrative deviations from applicable provisions on impermeable coverage, vegetation removal, and developed area to reasonably accommodate such equipment where hardship or physical constraints exist. These deviations may only be granted upon a finding by the city manager, or the city manager's designee, that the standards of sections 126-1307 and 126-1308 have been met.

No administrative deviation may be approved that would conflict or undermine the purpose, intent, or policies of the Sanibel Code and Sanibel Plan. The city manager, or the city manager's designee, is authorized to attach conditions to the approval as necessary to verify compliance with required setbacks via as-built survey and to address unlawful noncompliance to limitations on (impermeable) coverage, vegetation removal, and developed area.

This division also establishes standards for the operation, placement, screening, and sound attenuation of permanently installed generators to minimize their visual and noise impact upon abutting properties.

Sec. 126-1305. Purpose.

~~The purpose of this division is to establish application requirements and procedures for the installation of heating, ventilation, and air conditioning (HVAC) units and electrical power generators. In the interest of public safety and the general welfare, providing air conditioning and emergency electrical power is encouraged and shall be accommodated. To that end, the city manager or the manager's designee is authorized to approve deviations from limits on: (1) impermeable coverage; and (2) developed area and vegetation removal to facilitate the issuance of a development permit for such air conditioning or emergency electrical power service. Such deviations may be issued only~~

upon a finding by the city manager, or the manager's designee, that the standards of [section 126-1307](#) have been met.

In considering applications that include an administrative waiver under this section, no administrative waiver shall be approved that frustrates the underlying purpose and intent or policies of the city, including the Sanibel Code and Sanibel Plan. The city manager or the manager's designee is authorized to attach conditions to the approval, as necessary, to verify compliance with required setbacks via as-built survey and to address unlawful noncompliance to limitations on (impermeable) coverage and vegetation removal and developed area.

This division establishes standards for the operation, placement, screening and sound attenuation of emergency electric power generators to minimize their visual and noise impact upon abutting properties.

Sec. 126-1306. Application.

(a) Application.

- (1) No development permit is required for the operation of a portable, electrical power generator.
- (2) A development permit and building permit are required for the permanent installation of electrical or mechanical equipment, including associated platforms and access stairs if required to comply with the Florida Building Code.
- (3) A short form development permit application is required for a permanently installed generator (electrical power or emergency electrical power) that complies with the standards set out in section 126-1308.
- (4) A long form development permit application is required for an electrical power generator intended for general, unrestricted use.

~~Sec. 126-1306. Application and procedure.~~

~~(a) Procedure.~~

- ~~(1) No development permit is required for the operation of a portable electrical power generator.~~
- ~~(2) A development permit and building/electrical permits are required for the installation of a permanently installed electrical power generator.~~
- ~~(3) A short form development permit application may be available for a permanently installed emergency electrical power generator that complies with the standards set out in [section 126-1307](#) standards.~~
- ~~(4) A long form development permit application is required for an electrical power generator intended for unrestricted use.~~

~~(b) Application.~~ In addition to the requirements found in [sections 82-381](#) and [82-382](#), an application for a permanently installed electrical power generator shall include the following:

~~(1) Site development plan.~~ Site development plan shall include:

- ~~a. A plan to visually buffer the equipment from view off-site.~~
- ~~b. The sound barrier wall, if needed to meet the allowable maximum permissible sound pressure levels established in [section 126-1307](#), and is to:~~
- ~~c. Demonstrate compliance with all required setbacks from property lines and indicate the relationship of the generator's location to any dwelling unit or structure within 20 feet of the generator.~~
- ~~(2) Identification of the generator's manufacturer, model name and number, and load capacity or running watts.~~
- ~~(3) The manufacturer's certification of sound pressure (noise) level expressed in dB(A) at seven meters (23 feet), with the generator operating under normal or average load.~~
- ~~(4) Generator or HVAC stand type, including, but not limited to, aluminum stand, wooden platform,~~

hurricane/concrete pad:

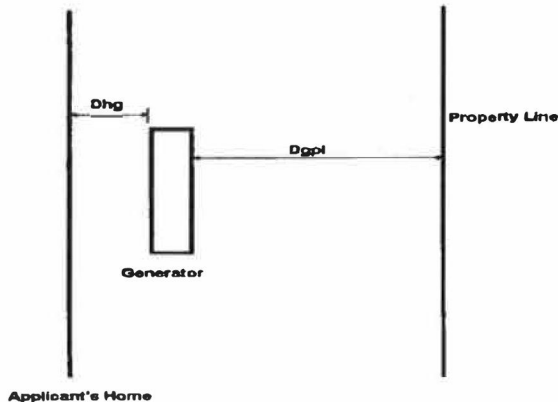
(5) Documentation of compliance with Florida Building Code (F.B.C.) and National Electric Code (N.E.C.);

(6) Equation for calculation of sound pressure levels for electrical power generators:

The sound pressure level shall be computed using the following equation for calculating the "Generator's Sound Pressure Level [dB(A)] at the Property Line":

Generator's corrected dB(A) = Gen + A + B + C

Figure 1. Reference Distances Necessary for Generator Noise Calculation



Four major components are necessary for estimating the generator's sound level at the applicant's property line:

"Gen" = The generator manufacturer's sound level data. These data must be in the form of A-weighted sound level, or dB(A), at seven meters (23 feet) from the generator in a free-field environment.

"A" = A correction for the closest actual distance from the generator's surface to the applicant's property line

"B" = A correction for reflective sound based on the distance the generator is located relative to the wall of a structure or the applicant's home

"C" = A correction for a sound barrier constructed such that it fully blocks the line of sight to the generator when viewed from the applicant's property line (if applicable).

The input for the terms "A", "B" and "C" in the Generator Sound Pressure Level [dB(A)] at the Property Line Equation are provided in Tables 1 through 3, respectively.

Table 1. Correction ("A") for Distance from Generator to Property Line

-Expand

Actual Distance from Generator to closest point of nearest Property Line in feet*	Distance Correction (A)
5**	+11 dB(A)
6**	+10 dB(A)
7**	+9 dB(A)
8**	+8 dB(A)
9**	+7 dB(A)
10	+6 dB(A)

Actual Distance from Generator to closest point of nearest Property Line in feet*	Distance Correction (A)
12	+5 dB(A)
14	+4 dB(A)
16	+3 dB(A)
17	+2 dB(A)
20	+1 dB(A)
23	0 dB(A)
27	-1 dB(A)
30	-2 dB(A)
33	-3 dB(A)
37	-4 dB(A)
43	-5 dB(A)
46	-6 dB(A)
53	-7 dB(A)
60	-8 dB(A)
66	-9 dB(A)
73	-10 dB(A)
83	-11 dB(A)
92	-12 dB(A)

* Select distance equal to or just less than the actual distance the generator is located from the closest point to the nearest property line. For example, if the generator's closest surface is located at an actual distance of 45 feet from the property line, a value corresponding to the 43 foot correction [minus 5dB(A)] from Table 1 must be used.

Table 2. Correction ("B") for Reflected Sound from Applicant's Home

-Expand

Distance from Generator to Home or closest structure in feet*	Reflection Correction (B)
Closer than or equal to 5 feet	+3 dB(A)
Further than 5 feet and closer than or equal to 10 feet	+2 dB(A)
Further than 10 feet and closer than or equal to 20 feet	+1 dB(A)
Further than 20 feet	+0 dB(A)

Table 3. Correction ("C") for Presence of a Sound Barrier Wall

-Expand

Will a Sound Barrier Wall be Used?	Sound Barrier Correction ("C")
Yes	-5 dB(A)
No	0 dB(A)

* A sound barrier wall can only be used for input in the calculation of the "Generator's Sound Pressure Level [dB(A)] at the Property Line Equation" for an emergency electrical power generator that is located so that the bottom of the generator is no higher than four feet above the finished grade of the ground. The sound barrier wall must extend from the ground to a minimum of two feet higher than the top of the generator and extend a minimum of two feet past the sides of the generator. A sound barrier wall must have no gaps, holes or penetrations. Walls of masonry, concrete block or wood construction meeting the above requirements are considered adequate. Foliage is not an adequate sound barrier.

Sec. 126-1307. Standards for All Electrical and Mechanical Equipment

- (a) Electrical and mechanical equipment are subject to the maximum permissible sound levels established in chapter 30, article III, section 30-64, unless otherwise allowed pursuant to section 126-1308.
- (b) Permanently installed electrical and mechanical equipment, including associated platforms and access stairs if required by the Florida Building Code, shall comply with setbacks applicable to the zoning district in which the property is located, except where a special setback is imposed, as set forth in article XIV, division 3, subdivision II, of this chapter.
- (c) Administrative deviations.
 - (1) Subject to the provisions of subsection 7 below, properties developed prior to the effective date of this section may be eligible for an administrative deviation from the applicable limitations of impermeable coverage, vegetation removal, and developed area, up to a maximum of 30 square feet, in order to add permanently installed generators, or to add solar energy system components and HVAC equipment.
 - (2) Properties developed prior to the effective date of this section may be eligible

- for an administrative deviation from required setbacks for the addition of an elevated platform and stairs as required by the Florida Building Code.
- (3) The applicant must be able to identify the specific hardship or practical reason for not being able to meet the regulation as a result of the particular shape, size, location, or topography of a lot or parcel, or of a structure thereon, which would cause practical difficulties that would deprive the owner of reasonable use and enjoyment of such lot or parcel in the same manner as other properties similarly situated.
 - (4) The applicant must be able to identify any special conditions related to unusual constraints peculiar to the specific lot or parcel, or relate to special conditions of the structure involved that are not generally applicable to other lands or structures similarly situated.
 - (5) The proposed deviation shall not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this Land Development Code, and will not cause the proposed development to be inconsistent with the Sanibel Plan nor adverse to the health, safety, and general welfare of the community.
 - (6) The deviation granted must be the minimum necessary to mitigate the hardship demonstrated.
 - (7) Properties developed after the effective date of this section are not eligible for an administrative deviation but may request approval of a variance subject to the process and criteria pursuant to chapter 82, article III, division 3, subdivision 11, and approval by the planning commission. With respect to permanently installed generators only, June 7, 2022 shall be deemed the effective date of this section.

~~Sec. 126-1307. — Standards.~~

~~(a) Noise.~~

~~(1) An emergency electrical power generator operating when the primary electric service (Lee County Electric Cooperative) is disrupted, or during the generator's performance testing cycle, shall not exceed a maximum sound pressure level of 78 dB(A), when measured at any point of any property line.~~

~~(2) Electrical power generators for general, unrestricted use are subject to the maximum permissible sound levels established in [chapter 30](#), article III, [section 30-64](#) of the city's Code of Ordinances. Unrestricted use means that there are no restrictions on the operation of an electrical power generator which limit its use to times when the primary electrical service is out or for the performance testing cycle of the generator.~~

~~(b) Use. The exercise cycle of the generator shall occur only between the hours of 10:00 a.m. and 5:00 p.m., Monday through Saturday.~~

~~(c) Required setbacks.~~

~~(1) Front yard. There shall be a front yard setback for generator and air conditioning machinery and associated structure of no less than 75 feet from the centerline of minor arterial or collector roads and 50 feet from the centerline of any other street, except where a special setback is imposed, as set forth in article XIV, division 3, subdivision II, of this chapter.~~

~~(2) Side and rear yard. There shall be side and rear yard setbacks for generator and air conditioning machinery and associated structure of no less than ten feet from any such property line.~~

~~(3) Open body of water. The accessory structure shall not be located within 20 feet of any open body of water.~~

~~(d) Coverage; vegetation removal and developed area.~~

~~(1) Administrative waiver of applicable limitations of (impermeable) coverage, vegetation removal and developed area may be issued specifically for HVAC and emergency electrical power generators up to 30 square feet for each respective improvement.~~

~~Such waiver is applicable to proposed emergency electrical power generator improvements at developed properties, subject to the following criteria:~~

~~a. Properties developed after the effective date of this section are not eligible for an administrative waiver but may request approval of a variance subject to the process and criteria pursuant to [chapter 82](#), article III, division 3, subdivision 11, and approval by the planning commission.~~

~~b. The applicant's request must be able to identify the specific hardship or practical reason for not being able to meet the regulation as a result of the particular shape, size, location or topography of a lot or parcel, or of a structure thereon, which would cause practical difficulties that would deprive the owner of reasonable use and enjoyment of such lot or parcel in the same manner as other properties similarly situated;~~

~~c. The applicant's request must be able to identify any special conditions related to unusual constraints peculiar to the specific lot or parcel or relate to special conditions of the structure involved, and that are not generally applicable to other lands or structures similarly situated;~~

~~d. The proposed waiver shall not be adverse to the developed neighborhood scheme and will not adversely affect the plan and scheme set forth in this Land Development Code, and will not cause the proposed development to be inconsistent with the Sanibel Plan nor adverse to the health, safety and general welfare of the community; and~~

~~e. The waiver granted must be the minimum necessary to mitigate the hardship demonstrated.~~

~~(e) Visual buffer. The generator shall be effectively screened from views from off the subject property by a sound barrier wall, a fence, vegetation or other means:~~

~~(1) Sound barrier walls that are higher than six feet above the ground shall comply with the setbacks required for the principal structure.~~

~~(2) Sound barrier walls shall be architecturally compatible with the principal building and effectively screened from the adjacent property by use of native vegetation.~~

Sec. 126-1308. Standards for Permanently Installed Generators.

(a) Noise.

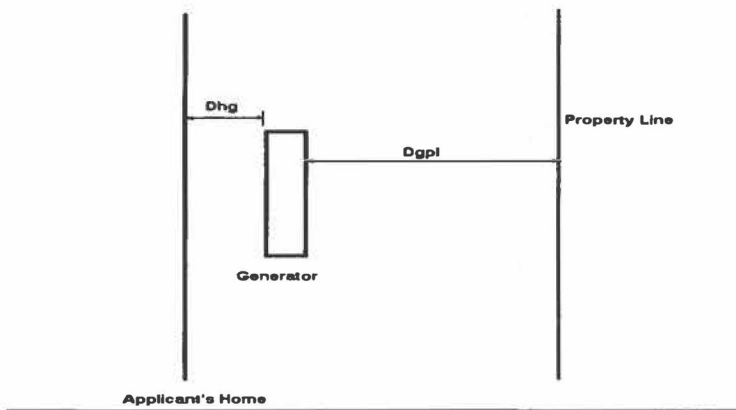
(1) A permanently installed generator operating when the primary electric service (Lee County Electric Cooperative) is disrupted, or during the generator's performance testing cycle, shall not exceed a maximum sound pressure level of 78 dB(A), when measured at any point of any property line.

(2) Generators for general, unrestricted use are subject to the maximum permissible sound levels established in chapter 30, article III, section 30-64 of the city's Code of Ordinances.

(3) Equation for calculation of sound pressure levels permanently installed generators.

The sound pressure level shall be computed using the following equation for calculating the "Generator's Sound Pressure Level [dB(A)] at the Property Line":

$$\underline{\text{Generator's corrected dB(A)} = \text{Gen} + A + B + C}$$

Figure 1. Reference Distances Necessary for Generator Noise Calculation

Four major components are necessary for estimating the generator's sound level at the applicant's property line:

"Gen" = The generator manufacturer's sound level data. These data must be in the form of A-weighted sound level, or dB(A), at seven meters (23 feet) from the generator in a free-field environment.

"A" = A correction for the closest actual distance from the generator's surface to the applicant's property line

"B" = A correction for reflective sound based on the distance the generator is located relative to the wall of a structure or the applicant's home

"C" = A correction for a sound barrier constructed such that it fully blocks the line of sight to the generator when viewed from the applicant's property line (if applicable).

The input for the terms "A", "B" and "C" in the Generator Sound Pressure Level [dB(A)] at the Property Line Equation are provided in Tables 1 through 3, respectively.

Table 1. Correction ("A") for Distance from Generator to Property Line

Actual Distance from Generator to closest point of nearest Property Line in feet*	Distance Correction (A)
5	+11 dB(A)
6	+10 dB(A)
7	+9 dB(A)
8	+8 dB(A)
9	+7 dB(A)
10	+6 dB(A)
12	+5 dB(A)
14	+4 dB(A)
16	+3 dB(A)
17	+2 dB(A)
20	+1 dB(A)
23	0 dB(A)
27	-1 dB(A)
30	-2 dB(A)
33	-3 dB(A)
37	-4 dB(A)
43	-5 dB(A)

46	-6 dB(A)
53	-7 dB(A)
60	-8 dB(A)
66	-9 dB(A)
73	-10 dB(A)
83	-11 dB(A)
92	-12 dB(A)

Select distance equal to or just less than the actual distance the generator is located from the closest point to the nearest property line. For example, if the generator's closest surface is located at an actual distance of 45 feet from the property line, a value corresponding to the 43 feet correction [minus -5dB(A)] from Table 1 must be used.

Table 2. Correction ("B") for Reflected Sound from Applicant's Home

<u>Distance from Generator to Home or closest structure in feet*</u>	<u>Reflection Correction (B)</u>
Closer than or equal to 5 feet	+3 dB(A)
Further than 5 feet and closer than or equal to 10 feet	+2 dB(A)
Further than 10 feet and closer than or equal to 20 feet	+1 dB(A)
Further than 20 feet	+0 dB(A)

Table 3. Correction ("C") for Presence of a Sound Barrier Wall

<u>Will a Sound Barrier Wall be Used?</u>	<u>Sound Barrier Correction ("C")</u>
Yes	-5 dB(A)
No	0 dB(A)

- (4) The exercise cycle of a permanently installed electric generator shall occur only between the hours of 10:00 a.m. and 5:00 p.m., Monday through Saturday.

(b) Sound barrier wall requirements.

- (1) A sound barrier wall may only be factored into the *Generator's Sound Pressure Level [dB(A)] at the Property Line Equation* if the following criteria are met:
- The bottom of the generator is no higher than four (4) feet above the finished grade.
 - The wall extends from the finished grade to a height at least two (2) feet above the top of the generator.
 - The wall must extend at least two (2) feet beyond both sides of the generator.
 - The wall must be solid, with no gaps, holes, or penetration. Acceptable materials include masonry, concrete block, or wood. Foliage or landscaping is not considered an acceptable sound barrier for the purposes of this section.
- (2) Sound barrier walls shall be architecturally compatible with the principal building and effectively screened from the adjacent property by use of native vegetation.
- (3) Any portion of the wall exceeding six (6) feet above the ground shall comply

with setbacks required for the principal structure.

(c) Application requirements

In addition to the requirements found in sections 82-381 and 82-382, an application for a permanently installed generator must include the following:

- (1) Site plan that includes:
 - a. A plan to visually buffer the equipment from view off-site.
 - b. The sound barrier wall, if needed to meet the allowable maximum permissible sound pressure levels established.
 - c. Compliance with the setbacks applicable to the zoning district where the property is located and any structures within 20 feet of the generator.
- (2) Identification of the generator's manufacturer, model name and number, and load capacity or running watts.
- (3) The manufacturer's certification of sound pressure (noise) level expressed in dB(A) at seven meters (23 feet), with the generator operating under normal or average load.
- (4) Generator or HVAC stand type, including, but not limited to, aluminum stand, wooden platform, hurricane/concrete pad.
- (5) Documentation of compliance with Florida Building Code (F.B.C.) and National Electric Code (N.E.C.).
- (6) Equation for calculation of sound pressure levels for generators.

~~Sec. 126-1308. Administration and enforcement.~~

~~The city manager, or the city manager's designee, is expressly authorized and directed to make use of Code of Ordinances, [section 14-91](#) outside professional review of licenses and permits, to assure the procedures and standards of this [division 16](#) emergency electrical power generators are properly applied.~~

~~No completion certificate or other final city approval shall be issued by the city manager, or city manager's designee, for a permanently installed electrical power generator until the city has measured the sound pressure level of the permitted generator and determined that it complies with the permit and the standards in [section 126-1307](#). A permanently installed electrical power generator must remain in compliance with the permit and the standards in [section 126-1307](#).~~

~~The measurement of sound pressure levels shall be performed in conformance with Code of Ordinances, [section 30-67](#) measurement of sound pressure levels.~~

Sec. 126-1309. Administration and enforcement.

The city manager, or the city manager's designee, is expressly authorized and directed to make use of Code of Ordinances, [section 14-91](#) outside professional review of licenses and permits, to assure the procedures and standards of this division 16 are properly applied.

No completion certificate or other final city approval shall be issued by the city manager, or city manager's designee, for a permanently installed generator until the city has measured the sound pressure level of the permitted generator and determined that it complies with the permit and the standards in sections 126-1307 and 1308.

The measurement of sound pressure levels shall be performed in conformance with Code of Ordinances, [section 30-67](#) measurement of sound pressure levels.

Sec. 126-1310. Reserved.