



MEMORANDUM DATE: September 11, 2024

AGENDA DATE: September 18, 2024

TO: Chair and Members of the Planning and Zoning Board

RE: **PZB Project # 24-01500006 | 1724 North Lakeside Drive |** Additional information requested by the PZB at the August 7, 2024, meeting on a variance to allow the placement of a standby generator between the principal structure and the right of way.

FROM: Karina Campos, Senior Community Planner
Department for Community Sustainability

PROJECT UPDATE

On August 7, 2024, the Planning and Zoning Board discussed Project # 24-01500006, a variance request to allow the placement of a standby generator between the principal structure and the right of way at 1724 North Lakeside Drive. The Planning and Zoning Board continued the item to the next PZB meeting with a request for additional information from staff. Specifically, the Planning and Zoning Board requested that staff provide additional code language that supports the validity of a variance requirement for the proposed location of a standby generator. The Planning and Zoning Board also requested that the City's Building Official and Fire Department re-review the staff-recommended location to determine feasibility of the generator placement in regard to National Fire Protection Agency (NFPA 37) and elevation requirements.

Below includes code language cited by staff in the staff report:

Staff-Cited Code Language

Required by Code

LDR Section 23.4-17(a): Property owners are permitted to have generators as an accessory use subject to the following requirements:

1. *May be located in the side setbacks with a maximum height of thirty (30) inches including the concrete pad. If located in a side yard, a landscape plan must be submitted indicating the landscape or screening used to prevent visibility from the right-of-way.*
2. *May be located in the rear setback if the property is not located on an alley.*
3. *A standby generator located in a side or rear setback requires a minimum three-foot separation from the property line.*

Staff concludes that the installation of a standby generator in the front setback or between a principal structure and the public right-of-way is not permitted per Section 23.4-17, which identifies the only locations where generators are permitted.

Additional Code Language

The Planning and Zoning Board requested additional code language that supports the validity of a variance requirement for the proposed location of a standby generator. Below includes additional code language:

Required by Code

LDR Section 23.4-16: Mechanical systems/equipment for existing residential structures.

For existing residential structures, placement of mechanical equipment shall be allowed in the rear or side setback and/or between the main structure and a public street if there is insufficient space to locate the equipment outside of the setbacks.

However, in no case shall mechanical equipment be located less than eighteen (18) inches from a property line to allow for its maintenance. Equipment located in the rear or side setback must meet requirements of the landscape code and the equipment must be screened from view of the right-of-way. In addition, product information or an engineering report must be submitted indicating the noise level will not be in excess of sixty-five (65) decibels as measured at the property line. Mechanical systems/equipment are not permitted to be located in the front setback of any property.

As cited above, LDR Section 23.4-16 allows mechanical equipment to be placed between the main structure and a public street only if there is insufficient space to locate the equipment outside of the setbacks.

The site plan provided by the applicant indicates that the standby generator may be placed at the southeast corner of the existing structure as it is set back approximately 15 feet from the side property line. Therefore, because there is sufficient space to place the standby generator outside of the side setback, a variance is required to allow the proposed standby generator between the main structure and right-of-way.

Additional Information from Palm Beach County Fire

At the August 7, 2024, Planning and Zoning Board meeting, the applicant presented a justification statement indicating the placement of the standby generator in the southeast corner of the existing structure would not be National Fire Protection Agency (NFPA 37) compliant.

The City of Lake Worth Beach utilizes the Palm Beach County Fire Department to review site plans on behalf of the City. Staff initially routed the applicant's submittal to the Palm Beach County Fire Department for review, to which the Fire Department responded that there were no comments. Staff then requested the Fire Department review the staff-recommended placement of the standby generator at the southeast corner of the existing structure to verify NFPA 37 compliance (Attachment A).

The Palm Beach County Fire Department responded with the following: *"The Florida Fire Prevention Code is not enforceable on single family homes, so fire rescue does not have any jurisdiction to enforce the requirements of NFPA 37. This enforcement would fall upon the Building Official.*

Fire rescue would prefer the generator to be located near the front (west) of the home so we can readily access and shut off the generator in the event of a structure fire at the home; however, if the generator is located at another location and is in compliance with NFPA 37 we are good with this too.”

In summary, the Palm Beach County Fire Department confirmed that the Building Official would determine if the standby generator location would be NFPA 37 compliant. Further, the Palm Beach County Fire Department indicated that the ideal location of the standby generator would be the front (west side) of the property between the principal structure and the right-of-way for accessibility but that the staff-recommended location at the southeast corner of the existing structure would also be sufficient.

Additional Information from the City of Lake Worth Beach Building Official

Staff requested the Building Official determine if the staff-recommended location of the standby generator will meet NFPA 37 requirements, as the Palm Beach County Fire Department confirmed that the Building Official has the authority to confirm NFPA 37 compliance (Attachment B).

Based on the generator specifications installation guidelines, the Building Official confirmed that the standby generator must be set back at least 5 feet from operable windows and doors, must have an 18-inch clearance from existing walls, and have a minimum setback of 3 feet from fencing and landscaping. The Building Official has indicated that the proposed standby generator can be installed at the southeast corner of the existing structure and meet NFPA 37 requirements.

The Planning and Zoning Board also requested that the height of the generator and required concrete pad to be confirmed. Based on the current FEMA flood maps, if the generator is placed in the applicant’s requested location at the front (west) of the property, the concrete pad for the standby generator must be at least one foot tall; the proposed standby generator is 29 inches tall, and therefore the overall height with the concrete pad and generator would be 3 feet 5 inches.

The staff report provided to the Planning and Zoning Board on August 7, 2024, cited pending FEMA Base Flood Elevation maps figures that are not effective until December 2024. As such, in December 2024, the pending FEMA Base Flood Elevation map changes would require a standby generator in the front (west) of the property to be placed on a concrete pad at least four feet tall and would therefore have an overall height of 6.5 feet, which includes the concrete pad and generator. If a building permit is issued prior to the pending FEMA Base Flood Elevation map changes in December 2024, the applicant is not required to meet the pending FEMA Base Flood Elevation height requirements and may provide a 1-foot-thick concrete pad versus a 4-foot-thick concrete pad.

Further, the Building Official confirmed that if the standby generator is placed in the staff-recommended location at the southeast corner of the existing structure, the standby generator would not need any additional elevation to meet the current FEMA Base Flood Elevation Maps and would require an 8.5-inch concrete pad if they were to use the pending FEMA Base Flood Elevation Maps.

Conclusion and Recommendation

The additional code language provided in LDR Section 23.4-16 for mechanical systems/equipment for existing residential structures further clarifies that placement of mechanical equipment shall be allowed between the main structure and a public street only if there is insufficient space to locate the equipment outside of the setbacks. As the site plan identifies sufficient space at the southeast corner of the existing structure while remaining outside of the side setback, the applicant must seek a variance to allow a generator to be placed between the main structure and public street. Further, the Building Official also confirmed that the staff-recommended placement of the standby generator will meet National Fire Protection Agency (NFPA 37) requirements and is a feasible location to place the standby generator.

Variance requests are required to be reviewed for consistency with all of the criteria set forth in LDR Section 23.2-26(b). Based on data and analysis in the August 7, 2024, staff report and this memo, the variance request meets one out of the four variance criteria. Therefore, staff does not recommend approval of the requested variance. If the Planning and Zoning Board moves to approve the variance request, staff have drafted conditions of approval including requiring visual screening and noise limitations for the standby generator; these conditions are listed in the August 7th staff report, which is included in Attachment D.

ATTACHMENTS

- A. Palm Beach County Fire Department Email
- B. Building Official Email
- C. Staff Report and Attachments from August 7, 2024, PZB Meeting