
Review Date:	April 24, 2024
Prepared by:	Mike Struve, AICP, LEED Green Associate, Planning Team Coordinator
Recommendation:	Approval
Request:	Amend LDC, Article 4 and 5 to establish rules for permanent generators placed in the front yard of single-family dwellings.

BACKGROUND AND RATIONALE FOR THE AMENDMENT

In 2023 an applicant appealed a staff decision that prohibited placing a generator in the front yard of a single-family residence. The basis of this appeal was Table 4.1.5 in the Land Development Code (LDC) that the applicant and staff differed in their respective interpretations. Following a review of the appeal, the Interim Development Services Director reversed the earlier decision by staff and approved the applicant's appeal to allow a generator in the front yard of the site. As a result of this decision, generators are now allowed in the front yard of single-family residences. To better protect the integrity of residential areas, staff proposes regulations to restrict the placement of generators in the front yard of single-family homes. The purposes of this LDC amendment are:

- To propose new regulations to address compatibility and aesthetic-related concerns about the placement of generators in the front yard of residential sites.
- To clarify requirements in LDC, Table 4.1.5. that provides information on permitted setback encroachments for architectural features and equipment, including permanent generators.

APPLICABILITY

These proposed regulations cover permanent, ground-mounted generators. Portable generators that are typically stored in garages when not in use, are exempt from these regulations.

PROPOSED ORDINANCE

Revisions are proposed to LDC, Section 4.1.5. and Table 4.1.5. This amendment will establish safeguards for new generators placed in front of a single-family dwelling by establishing screening and minimum setback requirements. Besides providing cross-references to Section 4.1.5., changes to Table 4.1.5. will provide greater clarity for design elements allowed in this subsection of the LDC.

ANALYSIS

The proposed regulations in intended to reduce the visibility of generators placed in the front yard of single-family homes by requiring minimum setbacks and screening. Staff proposes requiring this equipment to be screened by an enclosure composed of materials consistent with that used for the single-family dwelling on the site. The enclosure will be required to be painted to match the color of the home. The material and color treatments will help the enclosure to blend into the background of residential sites. The height of the enclosure will be required to fully screen the generator from the right-of-way and from abutting residential sites.

The establishment of minimum setbacks for enclosures will serve a dual purpose. The setbacks will keep enclosures away from public rights-of-way and therefore will be less conspicuous to passing motorists. The setbacks will also serve to establish a line of sight along a street with respect to protecting a minimum depth for front yards that excludes both buildings and equipment. The majority of single-family homes in the City are constructed in the Single-Family Residential (R-1) and the Residential Multi-Family Low (RML) Districts. As both districts have minimum front setbacks of 25 feet, any enclosure constructed in either district for concealing a generator will need to a minimum of 25 feet from the front property line of the site.

RATIONALE FOR LDC TEXT AMENDMENTS

LDC, Section 3.5.4. states text amendments shall be considered for one or more of eight separate reasons. This ordinance is consistent with Criterion #1 identified and discussed below.

1. The amendment clarifies the intent of the LDC.

Staff analysis. This amendment clarifies that generators are allowed in the front yard of single-family residential sites subject to special regulations governing the placement and screening of this equipment. Changes to Table 4.1.5. that governs design elements are proposed that includes eliminating several existing abbreviations in this table to clearly identify requirements.

REVIEW CRITERIA FOR PROPOSED LDC TEXT AMENDMENTS

LDC, Section 3.5.4. identifies four review criteria for proposed text amendments to the LDC. Each criterion is evaluated below.

1. Whether the proposed LDC text amendment is consistent with the goals, policies, and future land use designations of the City Comprehensive Plan.

Staff analysis. The proposed amendment is not explicitly consistent with an existing policy appearing in the Comprehensive Plan. The amendment, however, is consistent with general best planning practices that advocate the screening of equipment on sites to maintain the character of residential areas and protect surrounding property values.

2. The amendment results in compatible land uses within a zoning designation.

Staff analysis. This amendment by requiring the screening of equipment in front of single-family homes will protect and maintain the character of single-family areas.

3. The amendment protects the health, safety, and welfare of the community.

Staff analysis. The amendment will protect the health, safety, and welfare of the community by requiring the screening of equipment in front of single-family homes that would otherwise be visible from the right-of-way and from adjoining residential sites.

4. Other factors deemed appropriate by the Planning and Zoning Commission and City Council.

Staff analysis. This criterion is not applicable as this amendment was not initiated by either the Planning and Zoning Commission or the City Council.

RECOMMENDATION

These regulations will apply to homeowners wishing to place ground-mounted generators in the front yard of residential sites. Such generators can be permitted in the front yard or in front of a single-family dwelling subject to meeting setback and screening requirements. These regulations are intended to protect the value of individual homes and residential areas by concealing this equipment from the street right-of-way and adjoining residential sites. These proposed regulations will maintain aesthetics in residential areas, and protect the health, safety, and welfare of the community. Staff recommends approval of Ordinance 32-24.

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