

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 16-057

AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE; CHANGES TO ARTICLE 4 (GENERAL SITE DEVELOPMENT STANDARDS) RELATED TO THE PLACEMENT OF ACCESSORY EQUIPMENT SUCH AS AIR CONDITIONERS, SWIMMING POOL PUMPS, FILTERS AND HEATERS AND EMERGENCY GENERATORS; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, it has been determined that amendments are necessary to update the regulations contained within the Land Development Code; and

WHEREAS, the City Commission, upon recommendation by the Planning and Zoning Board, wishes to adopt the amendments to the Land Development Code set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The amendments to the Land Development Code set forth in Attachment "A," attached hereto and made a part hereof, are hereby adopted.

SECTION 3. The City Commission does hereby expressly find that the provisions of this ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5188, and that all procedures for the enactment of this ordinance have been complied with.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase, or provision of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this ordinance shall not be affected thereby.

SECTION 6. This ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 19th day of December, A.D. 2016.

R. HOWARD WIGGS, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
TIMOTHY J. McCAUSLAND
CITY ATTORNEY

ATTACHMENT “A”

ARTICLE 4: General Accessory Structure Standards

4.3.5 GENERAL ACCESSORY STRUCTURES

Table 4.3-4 General Accessory Structure Standards

A) Min. Front Setback ¹	3' behind the front façade of the principal structure in RA-3/RA-4 sub-district; 5' in all other sub-districts
B) Min. Interior Side Setback ¹	3' in RA-3/RA-4 sub-district; 5' in all other sub-districts
C) Min. Rear Setback ¹	3' in RA-3/RA-4 sub-district; 5' in all other sub-districts
D) Min. Street Side Setback ¹	In accordance with principal building minimum street side setback
E) Max. Height	12½' Except ground-mounted TV and radio antennas, in accordance with Section 4.8 .
F) Min. Separation Between Structures	In accordance with applicable building codes
<p>¹ 3' interior side and rear yard setback for accessory equipment such as air conditioners, heaters, pumps, swimming pool filters and emergency generators. <u>This setback may be reduced to 2' when such equipment is placed in the interior side yard of a principal building.</u></p> <p>Unroofed gazebos and pergolas not exceeding 36 sf or 8' in height may be located in any required setback area with a minimum setback of 3' from any parcel boundary. Larger or roofed gazebos and pergolas shall be located in accordance with this table.</p>	

MEMORANDUM

DATE: DECEMBER 5, 2016

TO: MAYOR & CITY COMMISSION

FROM: L. BURL WILSON, JR., CHAIRMAN
PLANNING & ZONING BOARD

SUBJECT: CHANGES TO ARTICLE 4 (GENERAL SITE DEVELOPMENT STANDARDS) RELATED TO THE PLACEMENT OF ACCESSORY EQUIPMENT SUCH AS AIR CONDITIONERS, SWIMMING POOL PUMPS, FILTERS & HEATERS AND EMERGENCY GENERATORS

CASE NUMBER: LDC16-008

APPLICANT: CITY OF LAKELAND

P&Z HEARING: NOVEMBER 15, 2016

P&Z FINAL DECISION: NOVEMBER 15, 2016

Periodically, various changes to the Land Development Code (LDC) are proposed in response to changing circumstances. The proposed changes to Article 4 (General Site Development Standards), related to the placement of accessory equipment such as air conditioners, swimming pool pumps, filters & heaters, and emergency generators, are included as Attachment "A."

Article 4 establishes minimum setback requirements for both accessory structures and accessory equipment. The current regulations specify a minimum interior side and rear yard setback of 3 feet for accessory equipment regardless of the zoning district. Prior to the adoption of the current Land Development Code in 2013, such equipment was allowed to encroach up to five feet into the interior side setback. Setbacks for principal structures under the prior Land Development Code, however, were greater.

Under the new code, setbacks for principal buildings in RA-1 in UNH (Urban Neighborhood) context sub-districts were reduced from 10 to 7 feet; in RA-4 they were reduced from 7 to 5 feet. The minimum lot width for RA-4 is 50 feet; a typical home built on a RA-4 lot is 40 feet wide. Most builders prefer to place HVAC units in the side yard area to minimize the noise in the backyard area. Under the current requirements, the minimum setbacks for accessory equipment cannot be met if the home is built to a 5-foot side yard setback. The proposed changes reduce the

setbacks for accessory equipment from 3 feet to 2 feet only when placed in an interior side yard adjacent to a principal building. A 2-foot setback is the minimum amount necessary to ensure adequate space for maintenance and avoid unnecessary trespass on adjacent parcels.

The Community Development Department and the Board reviewed this request for compliance with Lakeland Comprehensive Plan: 2010-2020 and it is our opinion that the request is consistent with the Comprehensive Plan.

The Community Development Department reviewed this request and recommended the proposed changes to the LDC.

This recommendation was approved by a 6-0 vote of the Board.

Recommendation

It is recommended that the proposed changes to the LDC, as described in Attachment "A," be approved.