

AN ORDINANCE OF THE CITY OF ORLANDO, FLORIDA AMENDING PART 5 OF CHAPTER 58 OF THE CITY CODE ENTITLED, "ACCESSORY USES AND STRUCTURES," TO ESTABLISH DESIGN, LOCATION, AND TECHNICAL REQUIREMENTS FOR MECHANICAL EQUIPMENT; AMENDING PART 8 OF CHAPTER 58 TO DELETE CERTAIN SETBACK REQUIREMENTS FOR AIR CONDITIONING UNITS; AMENDING SECTION 66.200 TO CREATE A DEFINITION FOR MECHANICAL EQUIPMENT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Part 5 of Chapter 58 of the Land Development Code of the City of Orlando has historically provided limited direction regarding the location, construction and technical requirements for various types of exterior mechanical equipment; and

WHEREAS, certain types of exterior mechanical equipment within the City has been located and designed in such a manner as to create visual blight, excessive noise and particulate matter, and unnecessary energy consumption; and

WHEREAS, the City Council recognizes that homes and businesses in Orlando require the placement of various types of exterior mechanical equipment, such as heating and air conditioning units, pool pumps, and electric generators; and

WHEREAS, under appropriate conditions, including siting, aesthetic and technical regulations such external mechanical equipment can be used and enjoyed while protecting citizens from excessive noise, pollution, energy drain and visual blight; and

WHEREAS, City Council seeks to update Part 5 of Chapter 58 so as to include adequate siting, design and architectural guidelines to decrease the visual blight created by mechanical equipment and to further update the technical requirements of this Part to ensure that current efficiency standards are utilized to reduce noise, particulate matter and unnecessary energy drain.

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

SECTION ONE: Section 58.901 of the City Code is hereby amended to read as follows:

Sec. 58.901. Location.

Rules for Accessory Structures. Accessory structures shall conform to the following standards:

(b) The setbacks from the side lot line and street side lot line in the rear yard shall be the same as the respective lot line setbacks for the principal structure. ~~Notwithstanding the foregoing, in residential zoning districts, air conditioning compressor units may be located in the side yard but no closer than 5 feet from the side yard property line.~~ provided that mechanical equipment shall comply with the setback requirements provided in Part 5B(18) of this Part.

(c) ~~They~~ No accessory structure shall not occupy more than 35% of the area between the rear property line and the principal structure. ~~This restriction does not apply to~~ provided that swimming pools, hot tubs and hydros spas shall not be subject to this restriction.

SECTION TWO: Part 5(B)18 of Chapter 58 of the City Code is hereby created to read as follows:

5B(18) MECHANICAL EQUIPMENT

Sec. 58.982. Generally.

Mechanical equipment shall comply with the following standards and conditions:

- (a) Screening Required – All mechanical equipment shall be screened from view at ground level as viewed from any public or private right-of-way, common areas, lakes and abutting property. Such screening shall utilize opaque fencing, screenwalls, and/or

shrubs and other vegetation, maintained at a minimum one (1) foot distance from said mechanical equipment. Screening provided by a building located at a distance of one (1) foot or less from the mechanical equipment shall also be sufficient to satisfy this requirement.

(b) *Cantilevered Units* – No central air conditioning unit or associated equipment may be mounted to an external wall.

(c) *Roof Equipment* – Permanently located mechanical equipment mounted on the roof of any building shall be screened from view at ground level as viewed from any public or private right-of-way or from any abutting property. Buildings over 75-feet in height are required to provide architectural treatments to screen all mechanical equipment, including elevator shafts which house mechanical equipment, by means of parapets, louvers, or architectural treatments. Compliance with this subsection shall be determined by the Appearance Review Officer.

Sec. 58.983. Mechanical Equipment Used in Nonresidential and Multifamily Residential Development.

Mechanical equipment for non-residential development and multifamily dwelling units shall comply with the following additional standards and conditions:

(a) Mechanical equipment shall be subject to the setback requirement for principal structures within the zoning districts; and

(b) Mechanical equipment shall not be located between any portion of the principal structure and any street.

Sec. 58.984. Mechanical Equipment Used in Single-Family, Duplex and Attached Dwelling Development.

Mechanical equipment for single-family, duplex and attached dwelling units shall:

- (a) Be located no less than ten (10) feet behind the plane of the principal façade of the principal structure;
- (b) Not be located between the façade of the principal structure served by the mechanical equipment and any street;
- (c) Not be located between the façade of an accessory structure served by the mechanical equipment and the street nearest to the accessory structure;
- (d) Not be located less than 15 feet from the rear lot line;
- (e) Not be located less than five (5) feet from an side lot line; and
- (f) Be located no less than 20 feet from the normal high water elevation of any waterbody or any wetland.

Sec. 58.985. Alternative Standards.

Air conditioning systems rated at least 15 SEER and 12.5 EER which service single-family, duplex or attached dwelling units may be located no less than one (1) foot from the side lot line and no less than five (5) foot from the rear lot line.

Mechanical Equipment which utilizes an energy efficiency rating standard which is comparable to 15 SEER or 12.5 EER may also utilize these alternative setback standards if:

- (a) such rating system is recognized in the Florida Building Code, and
- (b) the Building Official determines that the energy efficiency of the mechanical equipment is comparable to 15 SEER or 12.5 EER in regard to noise, energy efficiency and emissions, and
- (c) the Planning Official determines that there is no adverse effect on adjoining properties by application of the alternative standards.

Sec. 58.986. Modifications.

Modification of the regulations set forth in this subpart shall be through the Variance or the Modification of Standards processes as set forth in Chapter 65. Modification of the regulations of mechanical equipment serving residential uses shall not be allowed through the Non-Substantial Modifications process set forth in Sec. 65.303.

Sec. 58.987. Applicability.

This Subpart shall not apply to mechanical equipment permitted prior to adoption of this Subpart. Nor shall this Subpart apply to the replacement of existing permitted mechanical equipment when such replacement retains the same footprint, or such footprint is only altered as necessary to allow a more energy efficient or lower emission unit of mechanical equipment.

Only the regulations of this Subpart set forth in Sec. 58.982(a) shall apply to the replacement or improvement of nonpermitted mechanical equipment existing prior to adoption of this Subpart. However, such equipment may only be placed in side yards where the principal structure meets or exceeds the required side yard setback(s) in the applicable zoning district, and providing at least five (5) feet unobstructed of mechanical equipment on one side of the principal structure.

SECTION THREE: Section 58.1207 of Part 8E of Chapter 58 of the City Code is hereby amended to read as follows:

Sec. 58.1207. General Requirements.

~~*Air Conditioning Units.* No central system air condition unit, or associated parts, shall be located between any portion of the principal façade of the principal building and the street or in the required street side yard, nor shall it extend more than 4 feet into a required rear yard and in no case shall the unit be located less than 15 feet from the rear property line. Notwithstanding~~

~~the foregoing, in residential zoning districts, air conditioning compressor units may be located in the side yard but no closer than 5 feet from the side yard property line.~~

SECTION FOUR: Section 66.200 of Chapter 66 of the City Code is hereby amended to read as follows:

Sec. 66.200. Definitions.

Mechanical Equipment: Shall mean exterior air conditioning compressor units; exterior, permanent electrical generators; and exterior pool pumps.

SECTION FIVE. CODIFICATION. The City Clerk shall cause the Code of the City of Orlando, Florida, to be amended as provided by this Ordinance and may renumber, re-letter, and rearrange the codified subsections of this Ordinance.

SECTION SIX. SCRIVENER'S ERROR. The City Attorney, or their designee, may correct any scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION SEVEN. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption by City Council.

SECTION EIGHT. SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

DONE, THE FIRST READING AND PUBLIC HEARING, by the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2009.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the _____ day of _____, 2009.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL ADOPTION, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2009.

BY THE MAYOR/MAYOR PRO TEMPORE OF
THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

Assistant City Attorney