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**ORDINANCE NO. 2018-003**

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**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AMENDING APPENDIX B, "LAND DEVELOPMENT CODE", ARTICLE 20-30 ENTITLED "YARD ENCROACHMENTS", TO PROVIDE CLARIFICATION AND AMENDMENTS RELATING TO REGULATIONS FOR YARD ENCROACHMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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WHEREAS, the City acknowledges that single family homes routinely have ancillary equipment such as, but not limited to, air conditioning units and pool pumps; and

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WHEREAS, the placement of certain ancillary equipment has historically been placed within a required yard setback contrary to express City policy resulting in numerous homes being built and receiving certificates of occupancy in contravention of the Land Development Code; and

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WHEREAS, the City Commission desires to ensure that such ancillary equipment constructed in a subdivision that was approved prior to January 1, 2018, is deemed legal and conforming but also desires that the regulations relating to certain ancillary equipment are applied to future approved developments.

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**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PARKLAND, FLORIDA, AS FOLLOWS:**

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**SECTION 1.** The foregoing "whereas" clauses are hereby ratified and confirmed as being true and correct, and are hereby made a specific part of this Ordinance.

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**SECTION 2.** Article 20, "General Provisions," Section 20-30, "Yard encroachments," Subsections (A)(6), of the City of Parkland Land Development Code is hereby amended to clarify yard encroachment limitations, as follows:

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6. Permanent emergency power generators, pool pumps and filters, irrigations pumps, and air conditioning units are permitted in the required rear and side yards, subject to the following restrictions:

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- a. The property owner must obtain a building permit from the city for the installation of the permanent emergency power generator, air conditioning unit and aboveground or underground fuel tank. The building department and fire department shall review all such permit applications to ensure that such installation minimizes the visual and acoustic impact on adjacent property ~~however, a zoning review shall not be required, and the City Engineer and the zoning department shall review all such permit applications to ensure that all engineering issues and setbacks are met consistent with the provisions of this Section.~~ Additionally, the sound of the operation of any emergency use generator and air conditioning unit shall meet the requirements of Article IV of this chapter.

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- b. The permanent emergency power generator and air conditioning unit shall be located no closer than three (3) feet from any property line. for any lot that is part of a site plan approved by the City Commission on or after January 1, 2018.
  - c. For any lot that was part of a site plan approved by the City Commission prior to January 1, 2018, the permanent emergency power generator and air conditioning unit may have no minimum setback from the property line.
  - d. For any lot that was part of a site plan approved by the City Commission prior to January 1, 2018 but for which a building permit has not been issued prior to that date, the following regulations shall apply:
    - 1. Head to head placement of equipment on contiguous lots shall be prohibited.
    - 2. There shall be a minimum front to back separation of 10 feet between units for limited situations that require placement within adjoining side yards. Approval is required by the City Engineer to pair units and must show justification of need.
    - 3. Proper swales and necessary slopes shall be developed, as approved by the City Engineer, to ensure adequate drainage.
    - 4. Air conditioning pads shall be located on or near the high points of the side yards to allow for adequate drainage.
    - 5. Side yard fences shall be located no closer than 5 feet behind the rear-most air conditioning pad for situations that require placement within adjoining side yards.
  - ~~e.~~ e. The permanent emergency power generator's maintenance cycle run shall only be permitted between the hours of 10:00 a.m. and 6:00 p.m., Monday through Sunday, and shall continue for no more than thirty (30) minutes per cycle.
  - f. Permanent emergency power generators may only be operated for non-maintenance purposes when a state of emergency has been declared by the city or whenever there is a power outage.
  - g. All aboveground tanks shall be attached to the primary structure in accordance with the National Fire Code (NFPA 58), as amended.
  - h. Underground fuel tanks that have a capacity of twenty thousand (20,000) gallons or less shall be located in accordance with NFPA 58, as amended. A buildable lot line shall be defined as the setback to a primary and accessory residential unit, screen enclosure and/or shed, whichever setback is closest to the property line.
  - ~~g.~~ i. Any tank filled on site must be located so that the filling connection and fixed liquid level gauge are at least ten (10) feet from any external sources of ignition (i.e., open flame, window air conditioner, compressor, etc.) or direct vent or mechanical ventilation.
  - j. All aboveground equipment must be screened from view ~~of adjacent lots on three (3) sides.~~ from adjacent streets. This screening may include fencing, hedging, or walls with shrubs.

99 k. A carbon monoxide detector shall be located within the structure, as determined  
100 appropriate by the fire department and/or building department.  
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103 **SECTION 3.** It is the intention of the City Commission and it is hereby ordained that the  
104 provisions of this Ordinance shall become and be made a part of the Land Development Code of  
105 the City of Parkland, and that the sections of this ordinance may be renumbered to accomplish  
106 such intent.

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108 **SECTION 4.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions  
109 in conflict herewith, be and the same are hereby repealed to the extent of such conflict.  
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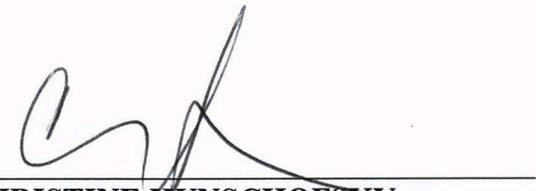
111 **SECTION 5.** Should any section or provision of this Ordinance or any portion thereof,  
112 any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid,  
113 such decision shall not affect the validity of the remainder hereof as a whole or part thereof other  
114 than the part declared to be invalid.  
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116 **SECTION 6.** This Ordinance shall be in full force and effect immediately upon its  
117 passage and adoption.  
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119 **PASSED 1<sup>ST</sup> READING THIS 7th DAY OF March, 2018.**

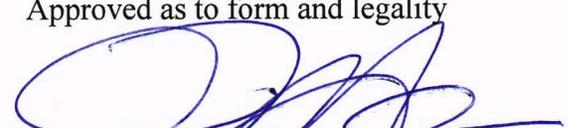
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121 **ADOPTED ON 2<sup>ND</sup> READING THIS 21st DAY OF March 2018**

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123 **CITY OF PARKLAND, FLORIDA**

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**CHRISTINE HUNSCHOFSKY**  
**MAYOR**

129 ATTEST:  
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132 **JENNIFER JOHNSON, CITY CLERK**



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135 Approved as to form and legality  
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139 **ANDREW MAURODIS, CITY ATTORNEY**

RECORD OF COMMISSION VOTE  
Mayor Hunschofsky *Yes*  
Vice Mayor Kagan *Yes*  
Commissioner Cutler *Yes*  
Commissioner Mayersohn *Yes*  
Commissioner Solomon *Yes*