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MEMORANDUM

DATE: August 13, 2002

TO: Council Members

FROM: Sylvia Jones
Research & Policy Analyst/Constituent Liaison

SUBJECT: Petition No. 400-01-26 – Planning Commission – request to amend the Zoning Ordinance to allow certain types of encroachments within the side yard setback areas (Sec.21A.36.020.B)

As requested by Council Member Saxton, Building Services reviewed the current ordinance and the proposed changes recommended by the Planning Commission in order to identify potential conflicts in advance of the August 15th Council discussion. Building Services and Planning staff met with Council Member Saxton on August 8, 2002 to discuss their comments. Council Members may wish to discuss with the Administration in detail the recommendations identified by Building Services staff. The issues identified by Building Services are as follows:

- ❑ Evaporative “swamp” coolers which are window units and refrigerated window-mounted air conditioner units should be allowed in all yards as long as a two-foot setback from property line is maintained. According to Building Services, there is no discernable difference in noise levels between these two types of window air-conditioners.
- ❑ Central air-conditioning compressors or systems, heating, ventilating, pool and filtering equipment should be allowed within the buildable area of the lot but not in the front yard. At least ten feet must be maintained from the adjoining side and rear property lines. Some lots have side yards extending 30 to 50 feet from the property line.

During previous Council discussions, the Council specified that central air-conditioning compressors or systems, heating, ventilating, pool and filtering equipment should be located only in the rear yard to address noise issues. The recommendation from Administrative staff would allow such equipment to be located within the buildable area of the lot. This could include side yard areas.

In many neighborhoods, most air-conditioning units are largely located in the side yards, due to the location of the homes’ furnace systems. Requiring the 10-foot spacing may have a financial impact on homeowners. The Council could elect to establish a “routine and uncontested matters” approach that would allow exceptions in situations where there is no objection from neighbors.

If the Council chooses to implement the 10 foot spacing or require that air-conditioning units are located only in rear yards, the Council may wish to encourage the Administration to notify air-conditioning contractors of this change.

- ❑ Building Services allows steps 4 feet above grade to extend to the property line, but they do not allow steps to extend below grade. They also do not allow a landing at the top of the

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stairs which is in conflict with the International Building Code. By removing the words “above and below grade”, and adding the words “required landing”, Building Services staff agreed this would remedy their concerns.

- The requirement “Subject to meeting Salt Lake County Health Department noise standards” places the burden of verification on the building inspector. This requires the City to purchase new equipment for the building and zoning inspectors. This requirement should be deleted, unless the Council wants the City to accept this responsibility that has heretofore been a responsibility of Salt Lake County.

As a result of Administrative staff members’ vacation schedules, a new ordinance incorporating the revisions as suggested by Building Services will not be drafted until the first week of September. Consequently, the Council will need to adopt a motion on August 15th to refer future side yard discussions to a Work Session in September. (A specific date will be determined at a later time.)

BACKGROUND:

- A. The Council received a briefing regarding this item on May 21, 2002.
 - 1. Council Members asked if there is an existing size or sound requirement for air-conditioner units in side yards.
 - 2. Council Members asked whether it is practical to specify where air-conditioner units are located (side of house versus back of house).
 - 3. Some Council Members expressed concern regarding air-conditioner units being so close to bedrooms of another neighbor.
 - 4. Some Council Members expressed interest in differentiating between swamp coolers and central air units and the option of requiring compressors to be placed at the back of homes.
- B. At the June 4, 2002 City Council Public Hearing, the following issues and comments were discussed. At the end of the Public Hearing, Council Members voted to continue their discussion on July 9, 2002.
 - 1. Infill construction requirements for side yards versus new construction requirements.
 - 2. With some side yard encroachments, maintenance is an issue.
 - 3. Mandatory breaks are needed for security purposes and to protect those walking in side yards areas.
 - 4. Air-conditioners and compressors should be placed in rear yards.
 - 5. With basement window grates, there is an urgency to make a decision in order to help make homes safer.

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During Unfinished Business on July 9, 2002, Council Members adopted a motion to amend Section 21A.36.020.B of the Salt Lake City Zoning Code regarding allowed obstructions in required yard areas, changing the ordinance to permit window wells in side yards with no specific reference to the distance from the property line. In addition, the Council referred the remaining portions of the ordinance to the August 15, 2002 Work Session for discussion. (This motion addressed the safety issues in reference to window wells. Please refer to attached minutes for details.)

cc: Rocky Fluhart, David Nimkin, Steven Allred, Lynn Pace, Margaret Hunt, David Dobbins, Roger Evans, Enzo Calfa, Alan Hardman, Stephen Goldsmith, Brent Wilde, Doug Wheelwright, Ray McCandless, Harvey Boyd, Craig Spangenberg, D.J. Baxter and Janice Jardine

File Location: Community and Economic Development Dept., Planning Division, Zoning Text Amendment, Side yards