

## TEXT AMENDMENT SUMMARY - HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) UNITS 8-11-2010

**Purpose/Background:** Concerns were raised by citizens about possible violations of the Zoning Ordinance with respect to placement of HVAC units in side yards. The Zoning Administrator has interpreted HVAC units as being part of the structure. This revision adds a new definition for HVAC units and clearly states that they are considered to be part of the structure. The amendment also revises the regulations to allow HVAC units to encroach into the required side or rear yard by no more than 50% of the required yard.

| Current Regulations   | Proposed Regulations  | Rationale   |
|---|---|---|
| There is a long standing interpretation by the Zoning Administrator's Office that a heating, ventilation, and air conditioning unit is part of the principal structure; however it is not defined in the Zoning Ordinance.  | New definition:<br><br><u>Heating, Ventilation, or Air Conditioning Unit:</u> "Equipment that is used to heat, cool, or ventilate a structure. Such equipment is considered to be part of the structure."   | Preserves the long standing interpretation but includes the definition in the Zing Ordinance for clarity.   |
| Section 4.107 allows the Zoning Administrator to approve deviations for <u>air conditioning units</u> to encroach no more than three feet into the yard if a surveying or other error can be demonstrated.  | Exception for air conditioning units changed to <u>heating, ventilation, or air conditioning units</u> .  | Preserves the delegation to the Zoning Administrator to allow <u>heating, ventilation, or air conditioning</u> unit encroachments when there is a demonstrated error  |
| Section 12.106(1) does not allow the principal structure to encroach into any setback or yard   | Amends Section 12.106 by adding new subsection(2)(d) to allow heating, ventilation or air conditioning equipment to encroach into the required side or rear yard:<br>Heating, ventilation, or air conditioning equipment are considered to be part of a structure and shall not be located in any setback, sight distance triangle, or required buffer or screening. Heating, ventilation, or air conditioning equipment may encroach into the required side yard or rear yard by no more than 50% of the required yard.  | This modification will allow <u>heating, ventilation, or air conditioning</u> units to encroach into the required side or rear yard while still maintaining some separation from adjacent properties.<br><br>Since side yard widths vary in single family districts, (starting at three feet) this modification allows flexibility based upon the zoning district side yard requirements. |
| Section 12.112:<br>"An existing nonconforming heating, ventilation, or air conditioning unit, backflow preventer, or accessory utility structure may be replaced provided the replacement structure does not increase the existing nonconforming <u>yards</u> or separation distances or exceed 42 inches in height if located in the required setback or the required yard along a public street." | Relocates provisions to Section 7.103, titled "Non-conforming structures" by adding new subsection (9):<br>An existing nonconforming heating, ventilation, or air conditioning unit, backflow preventer, or accessory utility structure may be replaced provided the replacement structure does not increase the existing nonconforming <u>side or rear</u> yards. Nor may the replacement heating, ventilation, or air conditioning unit, backflow preventer, or accessory utility structure exceed 42 inches in height if located in the required setback, <u>side, or rear</u> yard along a public street. | Relocates provisions from Chapter 12 to Chapter 7, which is for Nonconforming situations.<br><br>Removes references to separation distances.<br><br>Modifies the term "yards" to mean both side or rear yards.<br><br>Breaks long provision into 2 sentences for clarity.   |