



ZONING ORDINANCE INTERPRETATION #2-14
EFFECTIVE 8/15/2014

On April 21, 2014 the Mayor and Council adopted an ordinance approving Zoning Text Amendment TXT2014-00236. In the text amendment the following language was approved in Section 25.09.05:

The following setback encroachments apply within all zones, except as otherwise provided herein:

1. *Permanent Encroachments* – The following permanent structures and features are permitted to project into the required yard setbacks in the amount stated for each structure or feature:
 - (a) *Air Conditioners, Heat Pumps and Emergency Generators*
 - i. Air conditioners and heat pumps may project no more than five (5) feet into minimum side and rear setbacks.
 - ii. Emergency generators shall comply with all noise regulations applicable in the City. The periodic test operation of the emergency generator must be conducted only on weekdays between the hours of 7 a.m. and 7 p.m. Placement of generators are allowed as follows:
 - A. Emergency generators may only be located in a rear or side yard, but cannot encroach into a side yard setback and may only encroach five feet into a rear yard setback.
 - B. In the case of a corner lot, emergency generators must be located in the front yard facing a street and may encroach up to five feet into the front yard setback. The generator cannot be located in the front yard of the property's street address.
 - iii. In the case of properties located in an historic district zone, the location and screening of such equipment is subject to review and approval by the Chief of Planning unless visible from a public way. The Chief of Planning review will include any conditions set forth in the historic district designation by the Historic District Commission.

The legislative history of this language is that the provisions of subsection (a)i and ii for the location of emergency electric generators was intended to apply to the single-unit detached residential zones. Since there is no site plan review in these zones, the regulations were needed to define where these units could be located so as to reduce the noise impact on neighboring residences. In the non-single unit detached residential zones the location of emergency generators is regulated as part of the site plan review process under Article 7 of the Zoning Ordinance. Therefore, the Chief of Planning finds that the provisions of Section 25.09.05.1(a).i and ii apply only in the single-unit detached residential zones.



R. James Wasilak, Chief of Planning

RJW/dem