

**Report Considered by City Council on August 18, 2016:
Regulating Placement of New Residential Air Conditioning Units**

Regulating Placement of New Residential Air Conditioning Units

Recommendation

That the report of the General Manager, Community Services Department, dated July 18, 2016, be referred to City Council for information.

Topic and Purpose

The purpose of this report is to provide options to amend Zoning Bylaw No. 8770 to include a regulation for the placement of new air conditioning units in residential areas to address complaints related to noise produced by air conditioning units.

Report Highlights

1. The Administration has examined options to regulate the placement of residential air conditioning units. Canadian cities surveyed use a variety of approaches to regulate air conditioning unit placement. Some cities surveyed have no regulations in place.
2. The Administration has outlined three options to regulate air conditioning units. The recommended option is to require a separation distance from an air conditioning unit to a window or door on an adjacent dwelling.
3. Any regulation implemented in the Zoning Bylaw would be enforceable on a complaint-driven basis only, and only for those units installed after the regulation is put in place.

Strategic Goal

This report supports the City of Saskatoon's (City) Strategic Goal of Sustainable Growth by ensuring that infill development is compatible with the existing built form.

Background

At its February 29, 2016 meeting, City Council considered a report from the General Manager, Community Services Department, that provided information relating to the placement of air conditioning units and options to amend the Zoning Bylaw (see Attachment 1).

City Council resolved:

"That the matter be referred back to the Administration to report to the Standing Policy Committee on Planning, Development and Community Services on regulations regarding placement of air conditioning units."

The City does not currently regulate the placement, appearance, or noise associated with residential air conditioning units.

Report

Applicable Bylaw Provisions from Selected Canadian Cities

The Administration obtained information from eight Canadian cities regarding bylaws that regulate the location and noise produced by air conditioning units. There are a variety of approaches used among the cities surveyed, which are detailed in the attached report from the General Manager, Community Services Department, dated February 8, 2016.

Of those cities surveyed, Regina and Winnipeg require a separation distance between an air conditioning unit and a window or door of an adjacent dwelling. Toronto, Ottawa, and London permit air conditioning units to be located in required front and side yards, subject to regulations. Calgary only regulates the noise emitted through a Community Standards Bylaw. And Edmonton and Red Deer do not have any regulations regarding the placement of air conditioning units.

Options for Regulating Air Conditioning Units

The Administration has evaluated the following options to address the noise resulting from residential air conditioning units and experienced by neighbouring property owners:

1. Amend the Zoning Bylaw to provide a separation distance from an air conditioning unit to a window or door on an adjacent dwelling and provide for a maximum height of the unit. These regulations could decrease the noise level experienced by neighbouring properties and prevent units from being elevated.

The Administration could be directed to prepare amendments to the Zoning Bylaw to include a regulation to provide a separation distance of 3.0 metres between an air conditioning unit and a door or a window on an adjacent dwelling and include a maximum height of 2.0 meters to the top of the unit. This option is recommended as consideration is given to the location and design of the adjacent dwelling, in particular windows and doors. This option could minimize the noise level experienced by neighbouring property owners.

This is the Administration's preferred option should a regulatory amendment be pursued.

2. Amend the Zoning Bylaw to prohibit an air conditioning unit from being located within a required front or side yard. This may result in additional cost to the homeowner in regard to installation and operating expenses. The units could still be installed close to a window or door of an adjacent dwelling.
3. The noise produced could be regulated by Noise Bylaw No. 8244; however, noise produced by air conditioning units is typically considered to be at normal or acceptable noise levels in residential areas.

Implications of Proposed Zoning Bylaw Amendment

The proposed Zoning Bylaw regulations would provide for a mechanism to deal with new complaints about the placement of air conditioning units. However, any new regulations could only be enforced on those units that are installed after a bylaw amendment is implemented. Existing units that do not meet the new bylaw regulations would be non-conforming and could remain as such until replaced.

The Administration has discussed the siting and installation requirement for air conditioning units with a licensed tradesperson who provided feedback on the proposed Zoning Bylaw regulation. The condenser unit is connected to the furnace by a conduit and in order for the condenser to operate most efficiently, the connection should be as short as possible. Increasing the distance for the location of the condenser would be an added expense for the homeowner. Often times, the best location in terms of installation and efficiency, are the side yard of the dwelling. Furthermore, installation of the unit does not require a building permit; therefore, the location cannot be evaluated by the Administration prior to construction. Enforcement would be carried out on a complaint-driven basis.

Options to the Recommendation

The Committee may decline to support the recommended option and choose an alternate option outlined in this report. The Committee may also choose to direct the Administration to examine other options not discussed in this report.

Public and/or Stakeholder Involvement

No stakeholder consultation was undertaken.

Communication Plan

The Planning and Development Division will advise industry professionals and the Saskatoon and Region Homebuilders Association of the proposed amendments. Should the amendments be approved, written material will be made available within the Planning & Development and Building Standards Divisions.

Other Considerations/Implications

There are no policy, financial, environmental, privacy, or CPTED implications or considerations.

Due Date for Follow-up and/or Project Completion

If the Administration is directed to bring forward amendments to the Zoning Bylaw, a further report will be submitted to the Municipal Planning Commission.

Public Notice

Public notice is required for consideration of this matter, pursuant to Section 3 of Public Notice Policy No. C01-021.

Attachment

1. Report Considered by City Council on February 29, 2016: Regulating Placement of New Residential Air Conditioning Units

Report Approval

Written by: Paula Kotasek-Toth, Senior Planner, Planning and Development
Reviewed by: Alan Wallace, Director of Planning and Development
Approved by: Randy Grauer, General Manager, Community Services Department

S/Reports/2016/PD/PDCS – Regulating the Placement of New Residential Air Conditioning Units/ks/kb
FINAL/APPROVED – R. Grauer – July 9, 2016

Regulating Placement of New Residential Air Conditioning Units

Recommendation

That the report of the General Manager, Community Services Department, dated February 8, 2016, be forwarded to City Council for information.

Topic and Purpose

This report is to provide information on regulating the placement of new air conditioners and to provide options to amend Zoning Bylaw No. 8770 for this purpose.

Report Highlights

1. The City of Saskatoon (City) does not currently regulate the placement, appearance, or noise associated with residential air conditioning units.
2. Based on minimal complaints related to air conditioners, it is not recommended that the noise, appearance, or location of air conditioning units be regulated by a bylaw.

Strategic Goal

This report supports the City's Strategic Goal of Sustainable Growth by ensuring that infill development is compatible with the existing built form.

Background

At City Council's June 22, 2015 meeting, Councillor Clark made the following inquiry:

"Would the Administration please report on options for regulating the placement of new air conditioners on buildings in existing neighbourhoods.

There have been an increasing number of concerns with the placement of air conditioner units built especially on new in-fill houses that affect neighbouring properties with respect to noise, appearance, and separation distance."

Report

The City does not regulate the placement, appearance, or noise associated with residential air conditioning units. There are many variables associated with the actual or perceived noise level of air conditioning units, particularly in older residential areas where neighbouring property owners are experiencing infill development. Variables may include:

- i) proximity of the unit to a neighbouring property, particularly in relation to openable windows and doors;
- ii) frequency and duration of air conditioner use;
- iii) age, quality, and maintenance of the air conditioning unit;

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- iv) perception and noise tolerance of nearby residents;
 - v) optional use of devices to reduce emissions, such as baffles or quieter fans;
 - vi) placement of the unit in relation to building side walls and the potential for further vibration and reverberation;
 - vii) whether a new air conditioner is installed on a dwelling that did not previously have one; and
 - viii) whether the neighbouring properties have air conditioning units.

There are a wide variety of potential reactions from neighbours associated with the perception of noise and appearance. The Community Services Department receives one or two formal complaints per year related to air conditioner noise in low-density residential areas.

Noise Bylaw No. 8244 contains provisions to regulate excessive or loud noises and contains criteria to determine if a noise is unreasonably loud or excessive. Air conditioner noise in residential areas is typically considered to be normal and acceptable. The Saskatoon Police Service enforces this bylaw.

Applicable Bylaw Provisions from Selected Canadian Cities

The Administration obtained information from eight Canadian cities regarding bylaws that regulate the location and noise produced by air conditioning units. There are a variety of approaches used among the cities surveyed, which are detailed in Attachment 1.

Zoning Bylaw Text Amendment to Regulate the Placement of Air Conditioning Units

The Zoning Bylaw could be amended to regulate the placement of air conditioning units as follows:

1. A separation distance from the unit to a window or a door on the adjacent dwelling could be required; or
2. The location of the unit could be prohibited in required front or side yards, or maximum encroachments into required yards could be included.

In consultation with the Community Standards Division, it is not recommended that the noise, appearance, or location of air conditioning units be regulated by a bylaw. There are few formal complaints and, in the opinion of the Administration, the small number of formal complaints received does not warrant putting regulations in place. There are several variables that contribute to the actual or perceived noise experienced by neighbouring properties; therefore, it is difficult to put a regulation in place that will resolve all complaints.

There would also be challenges with implementing this regulation given that air conditioning units do not require a building or development permit; therefore, the location cannot be evaluated prior to installation. This bylaw would also only be enforced on those units that were installed after the bylaw amendment, as existing units

that do not meet new bylaw regulations would be non-conforming. Enforcement would be carried out on a complaint-driven basis.

Public Awareness

The Community Services Department is working on initiatives in 2016 to increase public awareness around good infill practices, including the Infill Development Guidelines brochure and the Good Neighbour Guide.

Options to the Recommendation

The Administration may be directed to bring forward amendments to the Zoning Bylaw that would regulate the placement of air conditioning units in residential zoning districts.

Other Considerations/Implications

There are no policy, financial, environmental, privacy, or CPTED implications or considerations; a communication plan is not required at this time.

Due Date for Follow-up and/or Project Completion

There is no follow-up required.

Public Notice

Public notice, pursuant to Section 3 of Public Notice Policy No. C01-021, is not required.

Attachment

1. Bylaws Regulating the Placement and Noise of Air Conditioning Units from Other Canadian Cities

Report Approval

Written by: Paula Kotasek-Toth, Senior Planner, Planning and Development
Reviewed by: Alan Wallace, Director of Planning and Development
Approved by: Randy Grauer, General Manager, Community Services Department

S/Reports/2016/PD/PDCS – Regulating Placement of New Air Conditioning Units/lc
BF No. 059-15
FINAL/APPROVED – R. Grauer – January 24, 2016

Bylaws Regulating the Placement and Noise of Air Conditioning Units from Other Canadian Cities

| City | Method | Provisions |
|----------|---------------------------|--|
| Regina | Zoning Bylaw | The air conditioning/heat exchanging unit cannot be located in a front yard and must be at least 3.0 metres from an openable door or window of a dwelling on an adjacent lot. |
| Toronto | Zoning Bylaw | Wall-mounted equipment may encroach to a maximum of 0.9 metres into a rear yard setback, and to a maximum of 0.9 metres into the side yard setback, if it is not located above the first storey. |
| Winnipeg | Zoning Bylaw | <p>Air conditioning units, heat exchangers, swimming pool filters, pumps and heaters, and related equipment may be located:</p> <ul style="list-style-type: none"> • in a required front yard, provided a minimum separation distance of 15.0 metres, measured laterally to an opposite window of a habitable room on an adjoining lot, is provided. The unit must be completely screened and maintained with a compact hedge, shrubs, or other landscaping. • in a required side yard, provided a minimum separation distance of 4.57 metres (15 feet), measured laterally to an opposite window of a habitable room on an adjoining lot, is provided. A minimum setback of 0.6090 metres (2 feet) to any side lot line must be provided. |
| Ottawa | Zoning Bylaw | An air conditioning condenser, heat pump, or similar equipment can project 1.0 metre into a required setback but must be located 0.3 metres from a lot line and cannot be located in a front yard or a side yard on a corner site. |
| London | Zoning Bylaw | In residential zones, institutional zones, and all other zones that abut a residential zone, heat pumps, air exchangers, air conditioners, and/or pool mechanical equipment may project 1.5 metres into a required yard, provided the projection is no closer than 0.9 metres to the lot line. |
| Calgary | Community Standards Bylaw | <p>At any point of reception in a residential development, no person shall operate an air conditioner that causes a continuous sound that exceeds the greater of the following sound levels:</p> <p>(a) 70 decibels (dBC) measured over a one-hour period during the day time; or</p> <p>(b) 60 decibels (dBC) measured over a one-hour period during the night time.</p> |
| Edmonton | | Does not regulate. |
| Red Deer | | Does not regulate. |