

COUNTY OF ALBEMARLE TRANSMITTAL TO BOARD OF SUPERVISORS

AGENDA TITLE: ZTA201900001 Zero Lot Line Zoning Ordinance Amendment	AGENDA DATE: July 17, 2019
PURPOSE OF PUBLIC HEARING: To consider the adoption of the proposed Zero Lot Line ZTA	STAFF CONTACT(S): Kevin McCollum, Lea Brumfield
SCHOOL DISTRICT: N/A	PRESENTER(S): Kevin McCollum

BACKGROUND: A resolution of intent to amend the Zoning Ordinance was adopted by the Board on January 9, 2019. That resolution directed consideration of an amendment to Albemarle County Code § 18-4.19 and any related provisions to establish a minimum side setback to a distance greater than 0 feet for non-infill residential districts.

In a collaborative effort, staff worked with several local builders and stakeholders in an effort to establish the most appropriate minimum side setback for non-infill residential development. At a work session on April 9, 2019, the Planning Commission consensus supported a 5 foot side setback with language that allows for reductions to a 0 foot side setback if an easement is established that maintains the minimum building separation of 10 feet.

At its meeting on [May 7, 2019](#), the Planning Commission recommended approval of the attached proposed ordinance (Attachment D) by a vote of 7:0. See Attachments A-C for the related Planning Commission materials.

DISCUSSION: The proposed ordinance includes an amendment to County Code § 18-4.19 to replace a side setback of “None” with a side setback of 5 feet in Non-Infill Residential Districts. The current regulations for “Non-Infill” side setbacks of “None” with a required building separation of at least 10 feet are problematic because they fail to address how the 10 foot minimum building separation will be maintained or ensured if the adjacent lot builds at less than 10 feet from the property line. The proposed ordinance establishes a minimum side setback of 5 feet that will not only ensure the minimum building separation but will provide enough space for normal building maintenance.

Additionally, the proposed ordinance includes an amendment to County Code § 18-4.11.3 to provide that any non-infill residential side setback can be reduced to 0 feet as long as 10 feet is available through an easement to ensure building separation and an adequate area for building maintenance. These proposed changes will provide homeowners and builders the opportunity for variability in setbacks while still ensuring a minimum 10 foot building separation.

Lastly, the proposed ordinance includes amendments to County Code §§ 18-4.11.1 and 18-4.11.2 to allow covered porches, balconies, chimneys, eaves, like architectural features, and accessory structures to project or be located no closer than 5 feet to any side lot line in Non-Infill Residential Districts. These changes align and simplify the regulations for these features with the proposed 5 foot side setback.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Proposed Ordinance (Attachment D).

ATTACHMENTS:

- A: Planning Commission staff report for May 7, 2019 public hearing
- B: Planning Commission minutes from May 7, 2019
- C: Planning Commission Action Memo
- D: Draft Proposed Ordinance