

## ZTA-2019-1 “Zero Lot Line” History and Timeline of Side Setbacks

### **Problem: What are we trying to solve?**

The minimum side setback of “None” and the building separation requirement of 10’ in Section 4.19 for non-infill residential development has caused issues.

A 0’ side setback implies that the 10’ building separation requirement encroaches a neighbor’s property and limits their buildable area. This creates a first come first serve mentality to locating houses.

In zero lot line developments this issue is avoided, however, because a 10’ easement is required on the plats prior to development. This means that buildings can be built at 0’ side setback on one side of their property because there is a 10’ easement extending into the adjacent property for maintenance and fire safety. (See 4.11.3)

**The problem is that the chart in 4.19 establishes a 0’ side setback and requires a 10’ building separation, but fails to address how that building separation will be maintained if someone chooses to build closer than 10’ to their side property line. For Zero Lot Line Developments a 10’ easement is in place to prevent these issues from arising. If we were to adopt a similar strategy of establishing a required maintenance easement on properties that choose to build closer than 10’ then we would achieve both the goal of ensuring a 10’ building separation and the goal of allowing for a variety of housing types that can be built at varying distances from side property lines.**

### **Background/History:**

1. ZTA-2007-1 “Zero Lot Lines” - approved 6/11/2008 by Board of Supervisors

This zoning text amendment changed the side setback requirement from 10’ to 0’, on one side of the lot only, in residential zoning districts under certain conditions. Definitions of “zero lot line” and “zero lot line development” were added to section 3 of the ordinance.

The zero lot line option was only intended for zero lot line development.

The conditions for approval were: (1) the proposal must be shown on a subdivision plat that shows all lots in the zero lot line development and delineating the location of each unit, (2) buildings must have at least a 10’ separation, and (3) a 10’ maintenance easement must be provided on the lot abutting the zero lot line side of the dwelling unit.

Section 4.11.3 “Reduction of Building Separation and Side Yard” was also added with this ZTA.

4.11.3(B) “Reductions for dwelling units within zero lot line developments” is where the conditions of approval (listed above) of a zero lot line development are located.

4.11.3(A) provides “Reductions for structures not within zero lot line developments” This section provides ways for structures not located within zero lot line developments to reduce their side setback up to a maximum of 6’. This language was crafted because the residential zoning districts that were not zero lot line still had minimum side setbacks.

Minimum side setbacks for developments not within zero lot line developments were:

R-2 - 10’, R-4 - 15’, R-6 - 15’, R-10 - 15’, and R-15 - 15’

Language was in place in each residential zoning district that said “minimum side yards may be reduced to not less than 10’ in accordance with 4.11.3 provided that minimum

side yards may be reduced to 0' on one side in zero lot line developments in accordance with 4.11.3"

**This ZTA created the ability to reduce a side setback to 0' in residential zoning districts through the use of zero lot line developments. Zero lot line developments had certain conditions including the use of a 10' maintenance easement on the side of the 0' side setback. Non zero lot line developments still had minimum setbacks, but side yards could be reduced up to 10' and structures could be located no closer than 6' from property line in accordance with Section 4.11.3.**

ZTA2007-1 Zero Lot Lines Ordinance Changes

[https://www.albemarle.org/upload/images/Forms\\_Center/Departments/Board\\_of\\_Supervisors/Forms/Agenda/2008files/20080611/ZeroLotLinesAttachA.htm](https://www.albemarle.org/upload/images/Forms_Center/Departments/Board_of_Supervisors/Forms/Agenda/2008files/20080611/ZeroLotLinesAttachA.htm)

ZTA2007-1 Zero Lot Lines Staff Report

[https://www.albemarle.org/upload/images/Forms\\_Center/Departments/Board\\_of\\_Supervisors/Forms/Agenda/2008files/20080611/ZeroLotLinesAttachC.htm](https://www.albemarle.org/upload/images/Forms_Center/Departments/Board_of_Supervisors/Forms/Agenda/2008files/20080611/ZeroLotLinesAttachC.htm)

2. ZTA2014-3 Neighborhood Model Setbacks and Yards - approved 6/3/2015 by Board

**This ZTA added Sec. 4.19 "Setbacks and stepbacks in residential districts" and established side minimum for all residential non infill developments as "None; see non-Infill building separation." It also changed the area and bulk regulations within the Residential zoning districts sections to read "the minimum and maximum yards are provided in section 4.19" thus eliminating the side setbacks that were established in ZTA2007-1.**

The amendments to the setback and yard regulations were intended to implement the Neighborhood Model principles and enable conventional residential, commercial and industrial districts to achieve a form of development comparable to planned development districts, in particular the Neighborhood Model District

ZTA2014-3 Ordinance Changes

<https://albemarle.legistar.com/View.ashx?M=F&ID=3764468&GUID=E96666C7-BE72-4208-801B-798B3D324ACC>

**This ZTA effectively removed the side setback requirements from the non-infill residential district sections that were established by ZTA2007-1 and created a singular chart in 4.19 to apply to all residential districts. This changed the minimum side setbacks from 10 or 15' in these districts to "None" or zero and provided Building separation language to ensure ample space for maintenance and fire safety. What this ZTA didn't address was section 4.11.3 or the need to require easements to ensure building separations of 10'.**

3. ZTA2015-14 Neighborhood Model Setbacks and Yards - approved 3/2/2016 and ZTA2016-6 Housekeeping approved 8/9/2017

Both of these ZTAs only had minor changes to the definitions of "infill" and "non-infill" and some minor changes to Section 4.19, however, nothing impacted the side setback requirements for non-infill development in residential zoning districts.

4. Resolution of Intent - approved 1/9/2019 by Board of Supervisors

The ROI addresses setbacks in 4.19 of the Zoning Ordinance, more specifically minimums and building separation for non-infill development. Currently the setback requirements are 0' side setback with a minimum 10' building separation.

**The Board of Supervisors has determined that there needs to be a minimum side setback greater than 0' for non-infill development.**

**What are we trying to accomplish?**

1. Achieve a form of development comparable to planned development districts, in particular the Neighborhood Model District, that allows for a variety of housing types.
2. Provide a means to ensure adequate building separation for property maintenance and fire safety.

**Solution:**

1. Create a minimum side setback of 5' to include in Section 4.19. This minimum side setback ensures there will be at least 10' of building separation.
2. Provide language and consolidate section 4.11.3 to apply to non-zero lot line and zero lot line development so that setbacks can be less than 5' as long as there is some sort of easement in place to ensure 10' of separation and maintenance and fire safety.