

# COUNTY OF ALBEMARLE

## STAFF REPORT

<b>AGENDA TITLE:</b> ZTA201900001 Zero Lot Line  <b>SUBJECT/PROPOSAL/REQUEST:</b> Public Hearing on Zero Lot Line Zoning Text Amendment  <b>STAFF CONTACT(S):</b> Kevin McCollum, Leah Brumfield, Amelia McCulley, Andy Herrick	<b>AGENDA DATE:</b> 5/7/2019  <b>ACTION:</b> X <b>INFORMATION:</b>  <b>CONSENT AGENDA:</b> <b>ACTION:</b> <b>INFORMATION:</b>  <b>ATTACHMENTS:</b> Yes
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**PUBLIC PURPOSE TO BE SERVED:** To update and clarify regulations and procedures pertaining to non-infill residential development setbacks and building separation. This amendment is expected to not only improve the administration of these Zoning regulations for staff, but also to provide more clarity for the public and others who use them.

**BACKGROUND:** A resolution of intent to amend the Zoning Ordinance was adopted by the Board on January 9, 2019 (Attachment A). This resolution of intent authorizes an amendment to Albemarle County Code § 18-4.19 to establish a minimum side setback to a distance greater than 0 feet for non-infill residential districts and authorizes the ability to amend any other section of the Zoning Ordinance deemed appropriate to achieve this purpose. Attachment B provides further background and history of these Zoning regulations.

**DISCUSSION:** This is a minor amendment to clarify and update the minimum setbacks and building separation requirements for non-infill development in residential districts. The amendment proposed by staff will establish a minimum setback of 5' while allowing side setbacks to be as close as 0' by clarifying the requirement of a maintenance easement that will achieve the purpose of the minimum building separation. The proposed changes will affect Sections 4.19, 4.11.1, 4.11.2, and 4.11.3 of Chapter 18 of the Albemarle County Code (Attachment C).

**Amend Section 4.19 Setbacks and Stepbacks in Residential Districts** - Current regulations for "Non-Infill" side setbacks are "None" with a required building separation of at least 10 feet. The Board of Supervisors, staff, and local builders have established that these regulations are problematic because they fail to address how the 10' building separation will be maintained or ensured. In zero lot line developments the issue is avoided because an easement is required to maintain at least 10' of building separation for property maintenance. This easement allows for buildings to be built at a 0' side setback on one side of the property because there is an established 10' easement extending into the adjacent property for maintenance and fire safety (See Section 4.11.3(B)). Without the requirement of an easement in non-zero lot line developments, homeowners, builders, and developers lose out on 0-10' of buildable space (minimum building separation) if the adjacent lot builds at less than 10' from the property line.

Staff is recommending that the chart in Section 4.19 be amended to show a side setback minimum of 5'. This minimum setback will not only ensure the minimum building separation requirement but will also ensure ample space for property maintenance. Staff is also recommending Section 4.11.3 be amended so that this 5' setback can be reduced down to 0' as long as 10' of space is available by easement for property maintenance and fire safety.

**Amend Section 4.11.1 Covered Porches, Balconies, Chimneys, and Like Features and Section 4.11.2 Accessory Structures in Required Yards** - Staff is recommending that these sections be amended to align with the proposed 5' side setback. Current regulations provide that architectural features and accessory structures may not project or be erected closer than 6' to any side lot line and Staff is recommending that these regulations be amended to 5' for non-infill residential development.

**Amend Section 4.11.3 Reduction of Building Separation and Side Yards** - The existing regulations in Section 4.11.3(A) are problematic because they provide "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 conflicts with the existing side setback requirement of "None." Because this language is outdated and reflects a time when residential zoning district side setbacks were at least 10'. Staff is recommending these regulations be removed from the ordinance.

The existing regulations in Section 4.11.3(B) "Reductions for dwelling units within zero lot line developments" provide conditions of approval for zero lot line developments that include: (1) a subdivision plat showing all lots in the zero lot line development and delineating the location of each unit, (2) a 10' minimum building separation, and (3) a 10' maintenance easement must be provided on the lot abutting the zero lot line side of the dwelling unit. These regulations provide a means of achieving development at a side setback of 0' by requiring a 10' maintenance easement.

Staff is recommending that Section 4.11.3(B) be amended to apply to not only zero lot line development, but non-zero lot line development as well. These changes will provide the regulations for reductions of side setbacks down to 0' with the requirement of a property maintenance easement that will ensure at least 10' of space for building separation and maintenance.

**Stakeholder Outreach** - On Friday March 1, 2019 staff reached out to local builders and stakeholders to get feedback and input on the proposed changes (Attachment D). A second email was sent on March 22, 2019 to provide a reminder and opportunity for any stakeholders to come discuss the proposed changes. Staff received comments from 3 stakeholders and had in person discussions with 2 local builders and 2 representatives from the Blue Ridge Home Builders Association (BRHBA). The feedback generally favored the establishment of some minimum setback and the need for at least 10' of building separation. The builders generally favored the establishment of a 5' setback because it would ensure a 10' building separation and would have the least impact and be easiest to implement for their businesses. These conversations greatly influenced staff's work and contributed to the recommendation of a 5' side setback that was taken to the Planning Commission work session on April 9, 2017. After the Planning Commission work session staff once again reached out to the local builders and stakeholders to update them on the proposed changes. Staff received only positive feedback about the proposed 5' setback recommendation and the amendments to Section 4.11.

**Planning Commission Work session 4/9/2019** - The consensus of the Planning Commission was in favor of a 5' side setback with amended language that allows for reductions down to 0' side setback if an easement is established.

**BUDGET IMPACT:** No additional staff or funding will result from this amendment.

**RECOMMENDATION:** Staff recommends the Planning Commission recommend approval of the proposed ordinance changes found in Attachment C.

**ATTACHMENTS:**

Attachment A: Resolution of Intent for ZTA201900001 adopted January 9, 2019

Attachment B: Zero Lot Line History and Outline

Attachment C: Draft Ordinance Changes

Attachment D: Stakeholder Outreach and Feedback