

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-093

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Text amendment to 1) clarify that the setback line for new residential lots created along new streets (except along the turnaround portion of a cul-de-sac) can be increased no greater than 30' more than the setback of the lots abutting on either side, if the lots front the same street and the minimum frontage at the right-of-way is no less than 30'; 2) add a new definition and regulations for building envelope.

Summary

The Zoning Ordinance currently has a definition for "lot width". That definition provides four methods by which the lot width can be determined:

1. The distance between the side lot lines measured along the setback line, or
2. The distance between the side lot lines measured along a setback line shown on a recorded plat when that setback line is greater than the setback required in the ordinance along the turnaround portion of a cul-de-sac street and the minimum lot frontage at the right-of-way shall be no less than 15', or
3. On residential lots other than those along the turnaround portion of a cul-de-sac, the distance between the side lot lines measured along a setback line shown on a recorded plat when that line is greater than the minimum setback required in the ordinance. Such increased setback shall be no greater than 30 feet more than the setback of the lots abutting on either side if the lots front the same street and the minimum lot frontage at the right-of-way shall be no less than 30'. (This is often referred to as "coving"), or
4. On lots located on the outside curve of a street, the lot width shall be measured along a line tangent to the midpoint of the setback projected to the side lot lines. On lots located on the inside curve of a street, the lot width shall be measured along the chord of the setback arc where it intersects the side lot lines.

This text amendment clarifies that in the third method, the residential lots must be "created along new streets", in order to use this definition of "lot width". This was the original intent of this definition, but the regulations have been used as a loophole to create lots that were not envisioned. This text amendment will remedy this loophole.

In addition, a new definition for "building envelope" has been added in this text amendment:

Building Envelope: A three-dimensional area on a lot that remains for placing a structure on a site after setbacks, yard, height, and bulk regulations are observed.

A requirement has been added that all residential lots shall establish a building envelope sufficient in size to meet the Minimum Housing Code requirements.

Consistency and Conclusion

This text amendment is appropriate for approval and consistent with local zoning authority and the purposes of adopted plans and policies.