

**ZONING COMMITTEE
RECOMMENDATION
September 27, 2006**

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.

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this text amendment.

Vote: Yeas: Carter, Cooksey, Loflin, Ratcliffe, Randolph, Sheild, and Simmons

Nays: None

Absent: None

Summary of Petition

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.

Zoning Committee Discussion/Rationale

Mr. MacVean summarized the purpose of the text amendment: to create a definition for “building envelope” and to modify the coving requirements. The original intent of the coving regulations was to provide a way to modify the setback on street curves. The issue staff has seen is that lots are being subdivided with creativity in such a way as was not intended, with lots being stacked behind each other, with long driveways or easements for access, creating more lots than was originally intended, and in patterns not consistent with other lots. New graphics illustrating the proposed regulations were shared with the Planning Commission members.

This amendment will allow coving only on newly created streets. Mr. MacVean noted that further study would be needed to determine if coving could be used on existing streets in a manner where it will not disrupt the neighborhood pattern or rhythm.

Mr. Ratcliffe noted it was unfortunate that the current coving standards resulted in a less than desirable pattern along existing streets. Coving can be applied correctly, and look good. Varying setbacks on curved streets can have a better appearance than a standard setback. Mr. MacVean noted that new development on new streets can use the coving regulations, but further research would be needed to address existing streets.

Mr. Randolph asked how often people want coving, in terms of plans coming to Mr. MacVean’s attention. Mr. MacVean stated that every week he sees someone wanting to do creative coving that is not consistent with the neighborhood pattern, and the numbers are increasing, hence the need for this text amendment.

Statement of Consistency

A motion was made by Carter and seconded by Loflin finding that this text amendment is reasonable and in the public interest. The Zoning Committee unanimously approved this motion.

Vote

Upon a motion made by Carter and seconded by Simmons, the Zoning Committee voted unanimously to recommend approval of this text amendment.

Staff Opinion

Staff agrees with the recommendation of the Zoning Committee.