



PLANNING COMMISSION Staff Report

Zoning Text Amendment
Section 630 Table of Setbacks
11/8/2021

Synopsis

Reduce the additional setback required for corner lots and clarify lot area regulations.

Analysis

In June 2021 the Planning Commission discussed revising the additional setback required for corner lots. Staff proposed adopting a minimum 10 foot corner side setback in residential zones for both primary and accessory buildings. This would replace the “add 15 feet” formula which is more complicated and limits development on many lots.

The table of dimensional regulations lists minimum front, side, and rear setbacks for primary and accessory buildings in many zones. Currently, note (i) on the table of dimensional regulations reads, “Add 15 feet for corner lots.” This note is not fully explained but seems to mean that for corner lots, the side setbacks must be increased by this amount. As an example, in R3 the side setback for a primary building is as little as 5’. Note (i) increases the side setback on the street side (usually a numbered street) to 20’.

Staff researched corner lots in other Virginia localities. While exact numbers varied, for comparable residential zones to Buena Vista’s R2 and R3, total required corner side yards were generally between 20’ and 25’. Lexington is an exception; they have no additional setback for corner side yards.

The reason for having side setbacks in general is to provide fire separation, ventilation, circulation, density reduction, and aesthetic benefits to properties. Having larger or minimum setbacks for corner lots is intended to ensure good visibility at street corner. In the case of Buena Vista, it provides visibility for alley access also.

With this goal in mind, staff propose adopting a minimum 10 foot corner side setbacks in residential zones for both primary and accessory buildings. This would replace the “add X feet” formula.

- In R3, the effect would be going from a 20’ minimum corner side setback to 10’, plus the interior side setback would drop to 5’ because both sides can add up to 15’.
- In R1 and R2, the effect would be that corner lots are treated the same as interior lots because the side setback is 15’ on each side.
- In R4, the effect would be that corner lots are treated the same as interior lots because the side setback is 10’ on each side.

To accompany this, staff also recommend repealing all of Section 701, Area Regulations. This section repeats several provisions already part of the table of dimensional regulations, and includes other unnecessary provisions. Below is a breakdown of the text to be repealed.

701.01-1 uncovered porches – Uncovered porches and patios are not considered buildings that require a zoning permit. They are landscaping features. This rule would be difficult to enforce and is not needed.

701.01-2 patios – Same as uncovered porches.

701.01-3 minimum setback – This is a duplication of note (i) in the dimensional regulation table.

701.01-4 signs – Signs are regulated in section 706. Signs advertising sale or rent of the premises is likely an unconstitutional category of regulation. This provision is not necessary either.

701.02-1 determination of front – This provision ties the hands of the zoning administrator when dealing with a difficult or unusual house siting.

701.02-2 15 foot provision – This is a duplication of note (l) in the dimensional regulation table.

701.02-3 minimum lot width – This is straight up terrible. Requires that ANY new subdivision create lots that are no less than 155 feet wide? This is huge, larger than the minimum frontage requirement for any zone in the City, and inappropriately large for many housing developments. It also defeats the purpose of discretionary subdivision review, through which the Planning Commission and Council make the determination of what is a good lot width (and other aspects of the development).

Sec. 630.00. - Table of setbacks.

District	Permitted Use	Minimum Structure Requirement (see k below)	Minimum Lot Requirements				Minimum Yard Requirements (see l below)				Accessory Buildings				Other Requirements
			Public Water and Sewer	Other	Setback (see i below)	Frontage at the Setback Line	On Side	Two Sides	Rear	Max. Height	Main Building	Side Lot Line	Rear Lot Line	Height (a,b,c,d,e)	
C-1 Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R-1 Low Density Residential	Single-family residential	1,200 sf single-family	12,500	21,780	35	100	15	30	35	35	10	5	5	35	N/A
R-2 Residential	Single-, two-family residential	1,200 sf single-family	9,375 sf	20,000	30	75	15	30	25	35	10	5	5	35	N/A
		2,400 sf two-family (1,200 each)	6,250 sf for each additional unit												
R-3 Residential Limited	Single-, two- and four-family residential (960 sf per unit)	960 sf single-family	6,250 sf	20,000	30	50	5	15	25	35	5	1	1	35	N/A
		960 sf per dwelling 2—4 family dwelling	3,125 sf for each additional unit												
R-4 Medium Density Residential	Single-family, multifamily	960 sf single-family	6,250 sf	20,000	30	50' for single- and two-family	10	20	25	35	20	10	10	35	Maximum density 15 units per acre

District	Permitted Use	Minimum Structure Requirement (see k below)	Minimum Lot Requirements				Minimum Yard Requirements (see l below)				Accessory Buildings				Other Requirements
			Public Water and Sewer	Other	Setback (see i below)	Frontage at the Setback Line	On Side	Two Sides	Rear	Max. Height	Main Building	Side Lot Line	Rear Lot Line	Height (a,b,c,d,e)	
			1,920 sf two-family (960 sf per unit)	3,125 sf for each additional unit		75' for three-family and greater									
R-5 Residential	Mobile home parks and subdivision	N/A	See table 2												
R-6 Planned Unit Development	Residential	N/A	Detailed plan required (see f below)												
B-1 General Business	N/A except for res. structures which are as shown for R-4	None	g	N/A	N/A	h	h	N/A	35'	20'	20'	15'	35'	N/A	
B-2 Planned Business	Commercial development	See B-1	None	g	N/A	N/A	h	h	N/A	35'	20'	20'	15'	35'	Detailed plan required (see f below)

District	Permitted Use	Minimum Structure Requirement (see k below)	Minimum Lot Requirements				Minimum Yard Requirements (see l below)				Accessory Buildings				Other Requirements
			Public Water and Sewer	Other	Setback (see i below)	Frontage at the Setback Line	On Side	Two Sides	Rear	Max. Height	Main Building	Side Lot Line	Rear Lot Line	Height (a,b,c,d,e)	
LM Light Manufacturing	Light industrial	N/A	None	G	N/A	N/A	25'	50'	N/A	45'	40'	20'	20'	45'	N/A
GM General Manufacturing	Industrial	N/A	None	G	N/A	N/A	25'	50'	N/A	45'	40'	20'	20'	45'	N/A
REC Recreational	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

- a. The height limit for dwellings may be increased by up to 45 feet and up to three stories provided each side yard is 20 feet, plus one foot or more of side yard for each additional foot of building height over 35 feet.
- b. A public or semi-public building such as a school, church, or library may be erected to a height of 60 feet from grade provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.
- c. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antenna and radio aerials are exempt. Parapet walls may be up to four feet above height of the building on which the walls rest.
- d. Accessory buildings over one story in height shall be at least ten feet from any lot line. All accessory buildings shall not exceed the main building in height.
- e. For buildings over 45 feet in height, approval shall be obtained from the administration. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.
- f. Densities and use variations are approvable based upon the plan submitted for the proposed development.
- g. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator shall require greater area as considered necessary by the health official.

h. Property located in a business district, which adjoins any residential district, or is separated from any residential district only by a public street or way, shall have a ten-foot side yard on the side or sides adjoining or adjacent to the residential district.

i. Minimum setback requirements of this ordinance, for yards facing streets, shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

j. Multifamily efficiencies: 1-bedroom—320 square feet; 2-bedroom—390 square feet; 3-bedroom—460 square feet.

k. Heated living area, excludes garages, basements, patios, porches, etc.

l. On lots with frontage on two or more streets, the minimum setback on any side with street frontage is 10 feet for all primary and accessory buildings. This shall not apply to master planned developments in B2 Planned Business, MUC Mixed Use Corridor, and R6 Residential Planned Unit Development.

[REPEAL ALL OF SECTION 701]

Sec. 701.00. - Area regulations.

Area and density regulations are provided by district in the lot regulations, table 1 and table 2.

701.01 *Modification of yard requirements.* Yard requirements may be modified to provide:

701.01-1 An uncovered porch may project into a required front yard for a distance not exceeding ten feet;

701.01-2 A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening;

701.01-3 Minimum setback requirements of this ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback but not less than the average of the existing setbacks on the existing developed lots;

701.01-4 Signs advertising sale or rent of premises may be erected up to the property line.

701.02 *Special provisions for corner lots.*

701.02-1 Of the two sides of a corner lot the front shall be deemed to be the shorter of the two sides fronting on streets;

701.02-2 The side yard on the side the side street shall be 15 feet or more for both main and accessory buildings;

701.02-3 For subdivisions platted after the enactment of this ordinance each corner lot shall have a minimum width at the setback line of one hundred 50-five (155) feet or more.