

# Memo

**To:** City Council  
**From:** Bryan Myrkle, Community Development Director  
**Date:** April 7, 2017  
**Re:** Zoning Ordinance revision – corner lots

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Over the past few years, the City has had trouble administering requests for new buildings and building additions on residential corner lots.

Front yard setbacks are not well-defined for corner lots, and the drawings included in the code lead to an interpretation that is very restrictive for homeowners, especially those who own homes on small, non-conforming lots in the older parts of town.

The drawings seem to indicate that a corner lot essentially has two front yards – each yard facing a street – and front yards have a 25-foot setback requirement. This is very confining and does not provide many options for improvements to smaller lots. This is also not mirrored in the ordinance language.

I have researched the zoning codes for many nearby communities and found several different approaches to this issue. There are a few codes that are as restrictive as our interpretation of the drawings in Charlotte's code, but most are not. The three standard approaches seem to be:

- Corner lots have two front yards.
- The yard corresponding to the street address is the front yard.
- Homeowners may designate which street-facing yard should be the front.

Using the street address as a guide can be helpful for some corner lots. However, in the older part of the city, the street address may have been assigned at the time the house was built and subsequent developments (especially the location of driveways and garages added later) make using the street address impractical.

The approach that provides the greatest leeway for homeowners, while maintaining a required front yard is option 3. I am proposing ordinance language that would allow front yards on corner lots to be designated and established by the homeowner. This is based on language being used now in the City of St. Johns. Allowing the homeowner to designate a front yards is a good approach, because homeowners often have the best understanding of their property and how it relates to the surrounding neighborhood.

I have added a sentence that would restrict homeowners to making this determination only once, so that they or future homeowners cannot re-designate a front yard each time they want to do a project.

I am requesting the City Council approve the first reading of this ordinance and set a public hearing for discussion at the May Planning Commission meeting.

If you have any questions about this, please feel free to contact me.

**USE.** The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**WALL, OBSCURING.** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

**YARDS.** The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter and as defined below.

(1) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of a corner lot, the front yard will be one of the two sides of the lot fronting on a street that is designated as the front yard by the property owner at the time of applying for a zoning permit. Once a front yard has been so designated, it shall remain the front yard for purposes of future zoning permits.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be the yard opposite the front yard.

(3) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

(4) **SIDE YARD, EXTERIOR.** A side yard abutting a street.

(5) **SIDE YARD, INTERIOR.** A side yard abutting a yard on another lot or parcel.

(See [Appendix A.](#))

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective 20 days after adoption.

Second, \_\_\_\_\_. Carried. ( ) Yeas. ( ) Nays. \_ Absent (\_\_\_\_\_)

Dated: \_\_\_\_\_, 2017

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Timothy Lewis, Mayor

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Ginger Terpstra, Clerk