



## Interpretation of Zoning Ordinance

### Use of Existing Alleys to Reduce Minimum Lot Widths

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**Note: As authorized by § 8.5.2.C.1 (p. 401), this interpretation is provided at the initiative of the Zoning Administrator for the purpose of providing clarification to property owners and improving administration of the Ordinance. Capitalized terms are defined in § 9.3 of the Ordinance. This interpretation may be appealed to the Board of Zoning Appeals per § 8.5.17 of the Ordinance.**

#### **Summary**

The Lot Occupation standards in Tables 4.3.1-C, 4.3.1-D, 4.3.1-E, and 4.3.1-F of the Zoning Ordinance establish minimum Lot and Building Site widths for all character districts and special districts, including CD-3 (Neighborhood Character District), CD-4 (General Urban Character District), CD-4C (General Urban Corridor Character District), and CD-5 (Urban Center Character District). The minimum lot widths are sixty-five feet in CD-3 and fifty feet in CD-4, CD-4C, and CD-5. However, the Ordinance provides for a reduction of lot width when homesites include an alley-loaded garage at the rear. Article 5 of the Ordinance establishes minimum standards for new Alleys; the City of Columbia Engineering Specifications & Standards provide greater detail for Alley construction. All new Alleys must adhere to these standards. However, existing platted Alleys throughout Columbia do not meet current standards for new Alleys. Lots with rear access to these existing alleys may be subdivided utilizing the reduced minimum lot-widths, provided the Alley meets the minimum standards described below.

#### **Rationale**

**The existing Alley must have a minimum width of ten feet.** The Zoning Ordinance defines an Alley as a “vehicular way” (§ 9.3, p. 480). The primary function of an Alley is to provide rear access to lots. While Throughfares and Internal Drives include pedestrian facilities as well as vehicular travel lanes, the use of Alleys is typically limited to service vehicles and residents’ automobiles. Alleys “are not intended for general traffic circulation” and afford “secondary access to Abutting property” (§ 9.3, p. 480). Although Alleys must provide sufficient space to safely maneuver an automobile, they need not be as wide as streets which facilitate general circulation. The Ordinance establishes multiple Thoroughfare assemblies featuring travel lanes between ten and twelve feet. The ten-foot travel lane is the established minimum in the City of Columbia for safe vehicular access. Consequently, for a property owner to utilize the reduced lot width provisions of the Ordinance on an existing Alley, the Alley must provide at least ten feet of continuous maneuverable space from the rear lot line of the subject property to a Thoroughfare or Internal drive providing general traffic circulation.

**The Alley must be platted as public right-of-way or within a non-exclusive public access easement.** Alleys may or may not be dedicated to public use (§ 9.3, p. 480). The reduced lot width provisions of the Zoning Ordinance derive from the premise that owners of abutting properties will have indefinite unobstructed access from the Alley. Where new Alleys are established as part of a site development plan and/or subdivision plat, access can be guaranteed through private covenants and easements. However, this is not practical in established neighborhoods where properties are already held by multiple owners. Consequently, for a property owner to utilize the reduced lot width provisions of the Ordinance on an existing Alley, the records of the Maury County Register of Deeds must show it within a public right-of-way or a public access easement. All abutting property owners utilizing reduced lot width must have unrestricted legal access from the rear property line to a Thoroughfare or Internal Drive providing general traffic circulation. Any and all successors in interest in possession of the property must also enjoy unrestricted access to a Thoroughfare or Internal Drive by way of the Alley. If any other private landowner retains the right to lawfully obstruct access via the Alley, reduced lot width is not viable.

**The Alley must be improved to a minimum standard.** Many existing Alleys are unimproved. While these Alleys may provide reasonable maneuverability in fair weather, they can become dangerous and inaccessible when conditions change. In order to provide for the safety of abutting property owners and the general public, existing Alleys must be minimally improved to ensure secondary access to abutting properties before a subdivider may utilize the reduced lot width provisions. Property owners must improve existing Alleys from the rear lot line of the subject property to a Thoroughfare or Internal drive providing general traffic circulation in order to utilize the reduced lot width provisions of the Ordinance on an existing Alley. The City Engineer will establish the minimum requirements based on best practices and the current condition of the Alley.

**The costs of Alley improvement necessary to warrant the division of a lot are the responsibility of the private beneficiaries.** The City of Columbia is the custodian of public right-of-way within its jurisdiction. Existing streets and Alleys are *maintained* for the benefit of the general public. However, the use of public funds to *enhance* existing alleyways is typically unwarranted due the limited number of properties served. Improvement of existing Alleys in order to utilize reduced lot width adds value to private property. Therefore, there is a clear nexus between the improvement of existing alleyways and the private benefit reaped by the subdivider. The standards for existing Alleys articulated in this document are the minimum necessary to warrant a reduction of lot width. Consequently, the private expense of improving portions of existing Alleys is roughly proportional to the value obtained from the reduced lot width.