

**CITY OF WINCHESTER, VIRGINIA**

**PROPOSED CITY COUNCIL AGENDA ITEM**

**CITY COUNCIL MEETING OF:** 8/26/14 (work session), **CUT OFF DATE:** 8/20/14  
9/9/14 (1<sup>st</sup> Reading) 10/14/14 (2<sup>nd</sup> Reading/Public Hearing)

**RESOLUTION**     **ORDINANCE**   X   **PUBLIC HEARING**   X  

**ITEM TITLE:**

**TA-14-354 AN ORDINANCE TO AMEND SECTION 16.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO ALLOWABLE BUILDING HEIGHT IN THE EDUCATION, INSTITUTION AND PUBLIC USE (EIP) DISTRICT. Amendment will allow for increased building height up to 45-feet with increased building setbacks.**

**STAFF RECOMMENDATION:**

Approval with conditions

**PUBLIC NOTICE AND HEARING:**

Public hearing for 10/14/14 Council mtg

**ADVISORY BOARD RECOMMENDATION:**

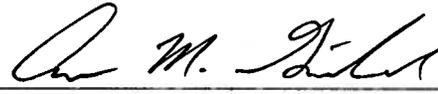
Planning Commission recommended approval.

**FUNDING DATA:** N/A

**INSURANCE:** N/A

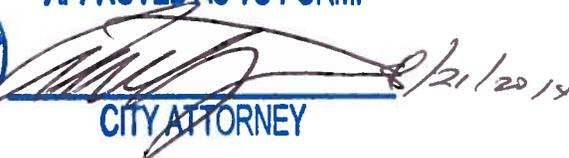
The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. Planning Director			8/20/14
2. City Attorney			8/20/14
3. City Manager			21 Aug 14
4. Clerk of Council			

Initiating Department Director's Signature:  8/20/14  
(Zoning and Inspections)



**APPROVED AS TO FORM:**

  
**CITY ATTORNEY**

# CITY COUNCIL ACTION MEMO

**To:** Honorable Mayor and Members of City Council  
**From:** Aaron Grisdale, Director of Zoning and Inspections *AMG*  
**Date:** August 26, 2014  
**Re:** TA-14-354 – AN ORDINANCE TO AMEND SECTION 16.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO ALLOWABLE BUILDING HEIGHT IN THE EDUCATION, INSTITUTION AND PUBLIC USE (EIP) DISTRICT.

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**THE ISSUE:**

Privately sponsored zoning ordinance text amendment to amend the provisions for allowable building heights in the EIP district.

**RELATIONSHIP TO STRATEGIC PLAN:**

Goal 4 – Create a More Livable City for All, Objective 3 – Manage future growth, development and redevelopment consistent with City’s vision, comprehensive plan and development standards and policies

**BACKGROUND:**

This is a privately sponsored text amendment to amend the allowable height provisions within the EIP district to allow for increased building height provided that additional setback is provided. The request provides language that is identical to height provisions for public or semipublic buildings such as a school or church in the LR, MR, HR, HR-1, and RO-1 districts. (Full staff report attached).

**BUDGET IMPACT:**

No funding is required.

**OPTIONS:**

- Approve the conditional use permit
- Approve the conditional use permit with conditions
- Deny the conditional use permit

**RECOMMENDATIONS:**

The Planning Commission unanimously recommended approval.

City Council Work Session  
August 26, 2014

**TA-14-354 – AN ORDINANCE TO AMEND SECTION 16.1 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO ALLOWABLE BUILDING HEIGHT IN EDUCATION, INSTITUTION AND PUBLIC USE (EIP) DISTRICT.**

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**REQUEST DESCRIPTION**

This is a privately sponsored text amendment to amend the allowable height provisions within the EIP district to allow for increased building height provided that additional setback is provided. The request provides language that is identical to height provisions for public or semipublic buildings such as a school or church in the LR, MR, HR, HR-1, and RO-1 districts.

Similar to the allowable height provisions in the LR, MR, HR, HR-1 and RO-1 districts, this provision mitigates potential impacts from increased building height by requiring structures taller than 35 feet, but no more than 45 feet, to have increased setback of at least one foot per additional foot in building height.

**RECOMMENDATION**

During their August 19, 2014 meeting, the Planning commission forwarded **TA-14-354** with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for additional building height for public and semipublic buildings with an increased setback.

AN ORDINANCE AMENDING SECTION 16.1 OF THE WINCHESTER ZONING ORDINANCE  
PERTAINING TO ALLOWABLE BUILDING HEIGHT IN EDUCATION, INSTITUTION AND PUBLIC USE  
(EIP) DISTRICT.

TA-14-354

Draft 1 – 6/2/2014

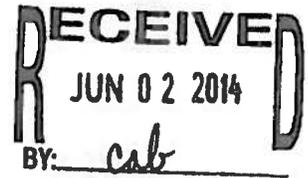
Ed. Note: The following text represents an excerpt of Article 16.1 of the Zoning Ordinance that is subject to change. Words with strikethrough are proposed for repeal. Words that are **boldfaced and underlined** are proposed for enactment. Existing ordinance language that is not included here is not implied to be repealed simply due to the fact that it is omitted from this excerpted text.

**SECTION 16.1-7. HEIGHT REGULATIONS**

16.1-7-1 Buildings may be erected up to thirty-five (35) feet from grade except that:

16.1-7-2 Church spires, belfries, cupolas, chimneys, flues, flag poles, television antennas, radio aerials, and equipment penthouses are exempt.

**16.1-7-3** **A public or semipublic building such as a school or church may be erected up to forty-five (45) feet provided that each side yard is fifteen (15) feet plus one (1) foot for each additional foot of building height over thirty-five (35) feet.**



June 2, 2014

Mr. Aaron Grisdale  
Director of Zoning & Inspections  
City of Winchester  
15 N. Cameron Street  
Winchester, VA 22601

**RE: PROPOSED ORDINANCE AMENDMENT –  
ALLOWABLE BUILDING HEIGHT WITHIN THE EIP DISTRICT**

Dear Aaron,

Please find attached the following submission materials as required for a zoning text amendment application:

- Signed application
- Proposed Zoning Text Amendment for allowable height within the EIP (Education, Institution and Public Use) District
- Application fee in the amount of \$600

The proposed modification to the zoning ordinance would allow for up to 45 ft. maximum building height within the EIP zoning district, the same as allowed in residential district for school or public use buildings.

If you have any questions please feel free to contact me at 667-2139.

Sincerely,

**PENNONI ASSOCIATES INC.**

  
Ronald A. Mislowsky, PE