

0-2014-43

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: 10/28/14 (work session), **CUT OFF DATE:** 10/22/14
11/11/14 (1st Reading) 12/09/14 (2nd Reading/Public Hearing)

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

ITEM TITLE:

TA-14-593 AN ORDINANCE TO AMEND AND REENACT SECTION 10-6 AND ENACT SECTION 10-9 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIDE AND REAR YARD SETBACK REQUIREMENTS AND SPECIAL PROVISIONS FOR REDEVELOPMENT SITES IN THE COMMERCIAL INDUSTRIAL (CM-1) DISTRICT. *Amendment establishes zero side and rear yard setback conditions in limited situations for properties in the CM-1 district identified as redevelopment sites within the Comprehensive Plan's Character Map.*

STAFF RECOMMENDATION:

Approval

PUBLIC NOTICE AND HEARING:

Public hearing for 12/09/14 Council mtg

ADVISORY BOARD RECOMMENDATION:

Planning Commission unanimously 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			10/22/14
2. City Attorney			10/22/2014
3. City Manager			22 Oct 2014
4. Clerk of Council			

Initiating Department Director's Signature: 10/22/14
(Zoning and Inspections)



APPROVED AS TO FORM:
 10/22/2014
CITY ATTORNEY

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Director of Zoning and Inspections
Date: October 28, 2014
Re: TA-14-593 AN ORDINANCE TO AMEND AND REENACT SECTION 10-6 AND ENACT SECTION 10-9 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIDE AND REAR YARD SETBACK REQUIREMENTS AND SPECIAL PROVISIONS FOR REDEVELOPMENT SITES IN THE COMMERCIAL INDUSTRIAL (CM-1) DISTRICT.

THE ISSUE:

This zoning ordinance text amendment was privately sponsored to implement opportunities for reduced setback requirements for redevelopment sites in the CM-1 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 proposal is a privately sponsored text amendment pertaining to side and rear yard setback requirements and special provisions for redevelopment sites in the CM-1 district. This request will create language similar to Section 8-10 pertaining to Commercial Centers in the B-2 district.

This amendment would allow for properties which have been identified as “redevelopment sites” within the Comprehensive Plan Character Map, to be eligible for zero setbacks on the side and rear property lines. Additionally, this will open opportunities to allow for the creation of property lines along a shared common boundary between two connected buildings; current Zoning Ordinance requirements do not allow for such subdivisions when dealing with connected buildings.

(Full staff report attached).

BUDGET IMPACT:

No funding is required.

OPTIONS:

- Approve the text amendment
- Approve the text amendment with modifications
- Decline to adopt the text amendment

RECOMMENDATIONS:

The Planning Commission unanimously recommended approval.

City Council
October 28, 2014

TA-14-593 AN ORDINANCE TO AMEND AND REENACT SECTION 10-6 AND ENACT SECTION 10-9 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIDE AND REAR YARD SETBACK REQUIREMENTS AND SPECIAL PROVISIONS FOR REDEVELOPMENT SITES IN THE COMMERCIAL INDUSTRIAL (CM-1) DISTRICT.

REQUEST DESCRIPTION

This proposal is a privately sponsored text amendment pertaining to side and rear yard setback requirements and special provisions for redevelopment sites in the CM-1 district. This request will create language similar to Section 8-10 pertaining to Commercial Centers in the B-2 district.

This amendment would allow for properties which have been identified as “redevelopment sites” within the Comprehensive Plan Character Map, to be eligible for zero setbacks on the side and rear property lines. Additionally, this will open opportunities to allow for the creation of property lines along a shared common boundary between two connected buildings; current Zoning Ordinance requirements do not allow for such subdivisions when dealing with connected buildings.

This proposal is similar to a privately sponsored amendment which was submitted in 2009 for commercial centers in the B-2 district. At that time, the desire was to allow for the creation of new property lines and subdivisions for properties that qualify as a commercial center. As long as adequate easement provisions are established to provide for inter-parcel access, utilities, storm water management, etc., staff believes the ordinance will be consistent with good planning practice by providing an additional tool for property owners and developers to implement redevelopment in areas identified within the Comprehensive Plan for such activity.

Similar examples where a zero lot line condition exist are the Belk Store in the Apple Blossom Mall, which was created through Board of Zoning Appeals action, and the Kohl’s store on South Pleasant Valley Road, which was created pursuant to the abovementioned ordinance amendment in 2009.

While this zoning amendment will allow for future property lines through connected buildings, there are also considerations regarding fire proofing and protection which will be separately considered through the application of the Uniform Statewide Building Code, due to the close proximity of building walls to the property line.

STAFF COMMENTS

Staff believes this amendment is consistent with good planning practice and may help future redevelopment by allowing for current buildings in designated redevelopment sites to be considered for subdivision while being consistent with the Zoning Ordinance’s development standards.

RECOMMENDATION

At their October 21, 2014 meeting, the Planning Commission unanimously forwarded **TA-14-593** with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for redevelopment opportunities in existing structures within designated redevelopment sites as identified within the Comprehensive Plan.

AN ORDINANCE TO AMEND AND REENACT SECTION 10-6 AND ENACT SECTION 10-9 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO SIDE AND REAR YARD SETBACK REQUIREMENTS AND SPECIAL PROVISIONS FOR REDEVELOPMENT SITES IN THE COMMERCIAL INDUSTRIAL (CM-1) DISTRICT.

TA-14-593

Draft 1 – 9/19/2014

Ed. Note: The following text represents excerpts of Article 10 of the Zoning Ordinance that are 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 10-6. YARD REGULATIONS.

- 10-6-1 Side. The minimum width of each side yard for a main structure shall be ten (10) feet, except that when such use abuts a residential district, there shall be a side yard of twenty-five (25) feet and except as per Section 10-8 of this Ordinance. No side yard shall be required when a building adjoins a railroad right-of-way or siding or as permitted by Section 10-9 of this Ordinance.
- 10-6-2 Rear. Each main structure shall have a rear yard of at least twenty-five (25) feet except as follows:
- 10-6-2.1 When a rear yard abuts a lot in a residential district the minimum rear yard shall be fifty (50) feet.
- 10-6-2.2 No rear yard shall be required when a building adjoins a railroad right-of-way or siding and the proposed building or structure functionally requires immediate proximity to the railroad right-of-way or siding as determined by the administrator or as permitted by Section 10-9 of this Ordinance. (9/11/01, TA-01-03, Ord. No. 028-2001)

SECTION 10-9. SPECIAL PROVISIONS FOR REDEVELOPMENT SITES

For the purposes of this Section, the term Redevelopment Site shall mean a property or properties identified within the Comprehensive Plan Character Map as a “Redevelopment Site.”

- 10-9-1 No side or rear yard shall be required along the common shared property line of buildings within the same redevelopment site provided the following conditions are met:**

10-9-1.1 **Any necessary cross easements are created to permit vehicular and pedestrian access to and from any proposed lot(s). Easements shall also be provided for utilities necessary to service any proposed lot(s) within the redevelopment site.**

10-9-1.2 **The cross easements shall contain provisions for the maintenance of any common open space, private streets and parking areas within the redevelopment site.**