

CITY OF WINCHESTER, VIRGINIA

CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: November 24, 2015

RESOLUTION ___ ORDINANCE DESCRIPTION/PRESENTATION ___

ITEM TITLE: TA-15-589 AN ORDINANCE TO AMEND AND REENACT ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FENCE HEIGHTS IN REQUIRED FRONT AND CORNER SIDE YARDS IN THE M-1 (LIMITED INDUSTRIAL) AND M-2 (INTENSIVE INDUSTRIAL) ZONING DISTRICTS. (Amendment Will Allow for Increased Fence Heights in Front and Corner Side Yards in Industrial Districts).

PUBLIC HEARING DATE:

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. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

Review:

Aaron Grisdale	Completed	11/18/2015 8:40 AM
Anthony Williams	Completed	11/19/2015 2:23 PM
Eden Freeman	Completed	11/19/2015 5:03 PM

Approved as to form:

Aaron Grisdale

Aaron Grisdale, Zoning and Building Inspections Director

11/18/2015

By: _____

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Eden Freeman

Eden Freeman, City Manager

11/19/2015

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Aaron Grisdale, Zoning and Building Inspections Director
Date: November 24, 2015
Re: TA-15-589 AN ORDINANCE TO AMEND AND REENACT ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FENCE HEIGHTS IN REQUIRED FRONT AND CORNER SIDE YARDS IN THE M-1 (LIMITED INDUSTRIAL) AND M-2 (INTENSIVE INDUSTRIAL) ZONING DISTRICTS. (Amendment Will Allow for Increased Fence Heights in Front and Corner Side Yards in Industrial Districts).

THE ISSUE: This is a privately sponsored zoning ordinance text amendment to allow for increased fence heights in the two industrial districts: M-1 and M-2 districts.

RELATIONSHIP TO STRATEGIC PLAN: Goal 2 - Promote and accelerate revitalization of catalyst and other areas throughout the City.

BACKGROUND: This amendment will allow for maximum fence heights in required front and corner side yards in the M-1 and M-2 districts to be increased from the current maximum of 4-feet to 5-feet. (Full staff report attached).

BUDGET IMPACT: None

OPTIONS:

1. Approve the amendment as proposed.
2. Modify the amendment and approve.
3. Deny the amendment.

RECOMMENDATIONS:

The Planning Commission at their 11/17/15 public hearing, unanimously forwarded the amendment to City Council with a favorable recommendation.

TA-15-589 AN ORDINANCE TO AMEND AND REENACT ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FENCE HEIGHTS IN REQUIRED FRONT AND CORNER SIDE YARDS IN THE M-1 (LIMITED INDUSTRIAL) AND M-2 (INTENSIVE INDUSTRIAL) ZONING DISTRICTS. (AMENDMENT WILL ALLOW FOR INCREASED FENCE HEIGHTS IN FRONT AND CORNER SIDE YARDS IN INDUSTRIAL DISTRICTS).

AN ORDINANCE TO AMEND AND REENACT ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FENCE HEIGHTS IN REQUIRED FRONT AND CORNER SIDE YARDS IN THE M-1 (LIMITED INDUSTRIAL) AND M-2 (INTENSIVE INDUSTRIAL) ZONING DISTRICTS.

TA-15-589

Draft 1 - October 5, 2015

Ed. Note: The following text represents an excerpt of Article 18 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.

ARTICLE 18

GENERAL PROVISIONS

SECTION 18-9. SPECIAL REGULATIONS REGARDING YARDS

18-9-2.11 In the M-1 and M-2 districts, fences up to five (5) feet in height may be installed in a required front or corner side yard provided a setback of at least ten (10) feet is met from the respective front or corner side property line. Any fence that encroaches more than half of the required setback shall have landscape screening installed between the fence and the front or corner side yard property line consistent with Section 19-5-6.4d of this Ordinance. Fences installed pursuant to this section shall not be made of, or include, barbed ends, barbed wire or razor wire, or any similar material.

City Council
November 24, 2015

TA-15-589 AN ORDINANCE TO AMEND AND REENACT ARTICLE 18 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO FENCE HEIGHTS IN REQUIRED FRONT AND CORNER SIDE YARDS IN THE M-1 (LIMITED INDUSTRIAL) AND M-2 (INTENSIVE INDUSTRIAL) ZONING DISTRICTS. (Amendment Will Allow for Increased Fence Heights in Front and Corner Side Yards in Industrial Districts)

REQUEST DESCRIPTION

This is a privately sponsored zoning ordinance text amendment to modify the allowable fence heights in front and corner side yards in the M-1 (Limited Industrial) and M-2 (Intensive Industrial) zoning districts. In the proposal, the applicant is proposing to allow for fence heights of up to five (5) feet in required front or corner side yards. This would replace the current standard of a maximum of four (4) feet in height in required front and corner side yards.

If a fence encroaches more than half of the required setback, then landscape screening shall be installed between the fence and the front or corner yard property line consistent with the existing screening provisions of 19-5-6.4d. The inclusion of this requirement is to help soften and mitigate the impact of having tall fence structures closer to public rights-of-way.

Lastly, any fences that may qualify for the additional fence heights in the M-1 and M-2 districts pursuant to this ordinance amendment will be prohibited from being made of or including barbed or razor wire.

STAFF COMMENTS

Often industrial operations necessitate a requirement to have their operational or storage areas separated off and secured from public access. As part of this operational need, the ordinance will provide flexibility for property owners to have a marginally taller fence height in areas closer to front and corner side yards, provided that enhanced landscaping is provided on the outside edge of the fence.

RECOMMENDATION

Staff supports this ordinance proposal.

At their 11/17/15 meeting, the Planning Commission forwarded **TA-15-589** with a favorable recommendation because the amendment, as proposed, presents good planning practice by allowing for increased flexibility for fencing options for industrial operations, while also mitigating potential effects with enhanced landscaping along public rights-of-way.