ARTICLE 16.1

EDUCATION, INSTITUTION AND PUBLIC USE DISTRICT - EIP

STATEMENT OF INTENT

This district is intended to permit the location and growth of public and private educational, institutional, public and semi-public uses in areas appropriate for such uses. The district is intended to encourage the retention or adaptive reuse of larger public and institutional uses on sites identified for such uses in the adopted Comprehensive Plan.

SECTION 16.1-1 USE REGULATIONS.

Structures to be erected and land to be used shall be for the following uses:

16.1-1-1 Institutions of higher education.

16.1-1-2 Public schools, elementary, middle and high; and private schools having similar curricula to that ordinarily given in public schools. Boarding facilities accessory to and operated in conjunction with private schools are permitted.

16.1-1-3 Churches and Places of Worship, but not including rescue missions or temporary revival tents.

16.1-1-4 Fire, Rescue and Police Stations

16.1-1-5 Government uses consisting of one or more of the following: offices, warehousing, storage, distribution and facility maintenance operations. All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid wall, opaque fence and/or evergreen hedge equal in height to the material being stored, providing however, that no wall or fence shall be required to be higher than ten (10) feet. (6/13/00, Case TA-00-02, Ord. No. 014-2000)

16.1-1-6 Existing cemeteries and the expansion of such cemeteries when the expansion abuts the existing cemetery.

16.1-1-7 Public parks, community gardens, playgrounds and playfields. (10/12/10, Case TA-10-418, Ord. No. 2010-51)

16.1-1-8 Public Libraries

16.1-1-9 Public utilities, such as poles, lines, distribution transformers, meters, water and sewer lines, booster or relay stations.

16.1-1-10 Accessory uses, as defined.

16.1-1-11 Off-street parking and loading areas for permitted uses in accordance with Section 18-6 of this Ordinance.

16.1-1-12 Signs in accordance with Section 18-8 of this Ordinance.

SECTION 16.1-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.

16.1-2-1 Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems in accordance with Section 18-2-1.2 of this Ordinance.

16.1-2-2 Museums and Art Galleries. (5/12/98, Case TA-98-01, Ord. No. 013-98)

16.1-2-3 Day Nursery and Day Care Center.

16.1-2-4 Offices for non-profit and not-for-profit organizations.

16.1-2-5 Single-family dwelling and Group Home. (10/9/07, Case TA-07-02, Ord. No. 2007-41)

16.1-2-6 Repealed. (2/12/08, Case TA-07-09, Ord. No. 2008-11)

16.1-2-7 Preserved Civil War Battlefield Site. (8/16/02, Case TA-01-08, Ord. No. 047-2001)

16.1-2-8 Market gardens, including the sale of food and/or non-food crops produced on the site. (10/12/10, Case TA-10-418, Ord. No. 2010-51)

16.1-2-9 Accessory structure, used and occupied as a subordinate dwelling unit by a domestic employee, as defined; and, provided that such conditional use is recorded on the corresponding chain of title for the subject property in the office of the Winchester Circuit Court Clerk. Any such conditional use permit shall expire immediately upon change of ownership or change of occupancy of the main structure, so as to prevent undue density and overcrowding of land, which could adversely impact public health, safety, and welfare. (6/14/11, Case TA-11-06, Ord. No. 2011-14)

SECTION 16.1-3. AREA REGULATIONS.

The minimum lot area for permitted uses shall be as follows:

16.1-3-1 Institutions of higher education--For each main building containing or intended to contain a use associated with an institution of higher education, there shall be a minimum lot area of ten thousand (10,000) square feet.

16.1-3-2 Other permitted and conditional uses- The minimum area requirement shall be determined by the area requirement for that use in the most predominant adjacent zone as determined by the Administrator. If the use is not allowed in the adjacent zone, then the requirement shall be that of the use requiring the greatest area in the adjacent zone.

SECTION 16.1-4. LOT WIDTH REGULATIONS.

16.1-4-1 The minimum lot width for all uses shall be one hundred (100) feet.

SECTION 16.1-5. SETBACK REGULATIONS.

16.1-5-1 Main buildings: Thirty-five (35) feet.

SECTION 16.1-6. YARD REGULATIONS.

16.1-5-1 Side. Each main building shall have a side yard of at least ten (10) feet.

16.1-6-2 Rear. Each main building shall have a rear yard of at least twenty-five (25) feet.

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.

SECTION 16.1-8. CORNER SIDE YARD REGULATIONS. (9/13/05, Case TA-05-04, Ord. No. 027-2005)

As per Section 8-8 of this Ordinance.

(Editor's note: Article 16.1 established 9/9/97, Case TA-97-07, Ord. No. 021-97)

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