

WARRENTON ZONING ORDINANCE
Article 2-19.2 Fences and Walls Text Amendment

Adopted by Town Council: December 9, 2014

2-19 Fences and Walls

2-19.2 Fences along the side yard of a corner lot shall meet the side yard setback requirements within the front setback.



TOWN OF WARRENTON

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STAFF REPORT

TO: Chairman Scullin and Members of the Planning Commission

FROM: Sarah A. Sitterle, AICP, CZA
Director of Planning & Community Development

DATE: November 12, 2014

SUBJECT: Town Code, Zoning Ordinance and Subdivision Ordinance Amendments. The Town of Warrenton has proposed revisions to the Town Code, Zoning Ordinance and Subdivision Ordinance in response to the 2014 General Assembly session.

BACKGROUND

This application is a request by the Town of Warrenton for Code and Ordinance Text Amendments pursuant to Chapter 1 of the Town Code, Article 11 of the Town of Warrenton Zoning Ordinance, and Article 1-5 of the Subdivision Ordinance. The applicant seeks an amendment to current code and ordinances to update and revise the regulations for consistency and compliance with the Code of Virginia, as amended with laws passed per the 2014 session of the General Assembly. Additionally, there are a few amendments proposed to bring the Ordinance up to date with the Code of Virginia regarding variances, and to clean up the Ordinance in Articles 2 and 3 for fence setbacks and maximum front setbacks in the R-6 and R-10 Districts. Below are a list of the proposed amendments to the Town Code, Zoning Ordinance and Subdivision Ordinance:

TOWN CODE AMENDMENT. An amendment to Chapter 17 Water and Sewers, Article IV - Sewers to add Division 6 – Illicit Discharge regulations. The regulations for control of discharges into the storm sewer system are a requirement of the Town of Warrenton's Municipal Separate Storm Sewer System (MS-4) program, which took effect in 2014.

SOTA 14-01. Subdivision Ordinance Text Amendment. An amendment to Article 3-2 of the Subdivision Ordinance per an amendment to Section 15.2-2260 of the Virginia Code that removes the mandatory review by the Planning Commission of a preliminary plat for fifty (50) or fewer lots.

ZOTA 14-03. Zoning Ordinance Text Amendment. An amendment to Article 12-Definitions per an amendment to Section 15.2-2291 of the Virginia Code that changes the

definition of Group Home to reflect that group homes shall be supervised by resident or nonresident staff persons.

ZOTA 14-04. Zoning Ordinance Text Amendment. An amendment to Article 2-19.2 that changes the requirement for side setbacks for fences on corner lots to be met within the front setback area.

ZOTA 14-05. Zoning Ordinance Text Amendment. An amendment to Article 3-4.2.4 Lot and Yard Regulations in the R-10 District that removes the maximum front setback requirement.

ZOTA 14-06. Zoning Ordinance Text Amendment. An amendment to Article 3-4.3.4 Lot and Yard Regulations in the R-6 District that removes the maximum front setback requirement.

ZOTA 14-07. Zoning Ordinance Text Amendment. An amendment to Article 11-3.11.1 Variances Authorized, that removes the approaching confiscation language per a 2009 amendment to Section 15.2-2309 of the Virginia Code.

ANALYSIS:

As with any request for amendments, the Commission must utilize the criteria provided for in the Town of Warrenton Zoning Ordinance. According to Article 11-3.9, the Planning Commission and the Town Council should consider several factors. As they relate to text amendments, the Commission should consider two specific points:

- Whether or not the request furthers the public interest, and the goals, objectives, and policies of the Comprehensive Plan
- Whether or not the amendment is justified by changed or changing conditions

The following proposed text amendments are a result of changes to state law per the 2014 General Assembly session:

1. ZOTA 14-03 - Amendment to Article 12 – Definitions
 - a. The proposed amendment is per Section 15.2-2291 of the Code of Virginia to reflect a change in the status of staff persons for residential facilities for individuals with mental illness, intellectual disability or developmental disabilities. The amendment to the Code allows for assisted living facilities and group home of eight or fewer individuals to have staff persons that are residents or nonresidents and still be considered as a single family residence for zoning ordinances.
2. SOTA 14-01 - Amendment to Article 3-2 – Purpose of Preliminary Plat, of the Subdivision Ordinance
 - a. The proposed amendment is per Section 15.2-2260 of the Code of Virginia to reflect a change in the review of preliminary plats for fifty (50) or fewer lots. The code change provides the landowner with the option to submit preliminary plats for tentative review for fifty (50) or fewer lots.

The following text amendments to the Town Code and Zoning Ordinance are being proposed to clarify some sections and bring the regulations up to date with previous changes to the Code of Virginia:

1. **TOWN CODE AMENDMENT.** This is an amendment to Chapter 17 Water and Sewers, Article IV - Sewers to add Division 6 – Illicit Discharge regulations.
 - a. The amendment is being requested because regulations for control of discharges into the storm sewer system are a requirement of the Town of Warrenton’s Municipal Separate Storm Sewer System (MS-4) program, which took effect in 2014.
2. **ZOTA 14-04. Zoning Ordinance Text Amendment.** An amendment to Article 2-19.2 that changes the requirement for side setbacks for fences on corner lots to be met within the front setback area.
 - a. The request for the change to side setbacks for fences on corner lots is a result of two variance requests that were heard by the BZA this year. There has been an additional issue concerning side setbacks for a fence that was installed initially without a permit. This change is being recommended due to the increasing trend with requests for variances to the side setback for fences. Staff believes that the intent of the Ordinance to prevent obstruction of vision near intersections with fences on corner lots can still be met with maintaining the side setback requirement within the front setback area only and not along the entire side that faces the side street. There is a height restriction of four feet for fences within the front setback area bounded by the front and side lot lines.
3. **ZOTA 14-05. Zoning Ordinance Text Amendment.** An amendment to Article 3-4.2.4 Lot and Yard Regulations in the R-10 District that removes the maximum front setback requirement.
 - a. This change is being requested to allow for additional front setback area to accommodate off-street parking on driveways, and additional flexibility for placement of homes in new subdivisions and on infill lots within older neighborhoods that were not subject to the same setback restrictions when developed. The Town has received two variance requests for an exception to the maximum front setback in the R-10 District in July 2010 and April 2013.
4. **ZOTA 14-06. Zoning Ordinance Text Amendment.** An amendment to Article 3-4.3.4 Lot and Yard Regulations in the R-6 District that removes the maximum front setback requirement.
 - a. This change is being requested to allow for additional front setback area to accommodate off-street parking on driveways, and additional flexibility for placement of homes in new subdivisions and on infill lots within older

neighborhoods that were not subject to the same setback restrictions when developed. The Town has received two variance requests for an exception to the maximum front setback in the R-6 District in December 2009 and November 2012.

5. **ZOTA 14-07. Zoning Ordinance Text Amendment.** An amendment to Article 11-3.11.1 Variances Authorized, that removes the approaching confiscation language per a 2009 amendment to Section 15.2-2309 of the Virginia Code.

- a. During the 2009 Legislative Session, Section 15.2-2309 was updated with Chapter 206, which was an act that amended the regulations to remove the “approaching confiscation” language associated with demonstrating a hardship condition for variance requests. The Town’s Zoning Ordinance was not updated at that time, and this amendment is to bring the regulations into conformance with the Code of Virginia.

The text amendments proposed to improve sections of the Zoning Ordinance further the public interest by eliminating duplication, providing clarification, and consistency with the Code of Virginia. The goals, objectives and policies of the Comprehensive Plan support the appropriate provision and administration of zoning regulations for the Town. The fundamental intent of the Zoning Ordinance is to implement the purposes set forth in the Comprehensive Plan. Proposed text amendments were drafted with this intent in mind.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed text amendments as being consistent with the goals, objectives and policies of the Comprehensive Plan. The amendments represent an improvement to the Zoning Ordinance and further the public interest.

ATTACHMENTS:

- 1.) Draft amendments