



**WELLINGTON
PLANNING & ZONING DIVISION
STAFF REPORT**

I. PETITION DESCRIPTION:

Petition Number: 16-96 (2016-003ZTA) – Ordinance No. 2016-20

Project Name: Building Height Exclusions in the EOZD
Zoning Text Amendment

Applicant/Petitioner: Planning and Zoning

Project Manager: Cory Lyn Cramer, AICP

II. REQUEST AND BACKGROUND:

Staff is seeking approval of a zoning text amendment Section 6.10.6 –Table B of the Land Development Regulations (LDRs), related to the building height limitations.

The request is staff initiated and is in response to a pending appeal of a formal interpretation of the LDRs. The background of the pending appeal is important in understanding the reason staff has prepared the proposed amendments. In March, 2015, staff met with the agent representing a property owner proposing to build a two story residence over a first story garage in the Equestrian Preserve Area (EPA), specifically within Subarea C. The residence was designed to resemble a barn and silo. The silo was designed to function as a stairwell leading to a third story observation window/area. The silo feature was proposed to be 50' in height. The maximum height allowed pursuant to the LDRs is 35'. The mean building height, based on the type of roof, is calculated to determine if the maximum building height is in compliance. The mean building height of the silo was calculated at 37'-9". This is greater than the 35' limitation and therefore exceeds the maximum building height allowed. The proposed building feature is unique in design, however was required to be modified to comply with the LDRs and to obtain building permitted.

After this meeting, the building plans were modified so the structure did not exceed the maximum building height and permits were issued. On subsequent dates, a request for a zoning confirmation and then a formal interpretation of the code were submitted because the property owner desired to move forward with the original design and did not feel the interpretation of the code was correct. A formal interpretation of the code was requested by the agent so that the agent was eligible to appeal the interpretation to the Planning, Zoning and Adjustment Board (PZAB). Staff issued a formal interpretation on March 10,

2016 and the appeal to PZAB was scheduled for the April 2016 meeting. The item was postponed at the request of the owner so that staff and the owner's attorney could revisit the LDR section related to building height and possibly find an alternative that would allow for the silo to be built and comply with the code.

While staff believes the interpretation of the LDRs related to building height is correct, we acknowledge that in many cases opportunities to incorporate an architectural feature may be limited based on current requirements. After review of the building height regulations that govern the EPA, staff recognized that the LDRs could be amended to allow this type of request and not compromise the intent of the code. Mitigation standards could be added that would address any visual impacts from the property lines.

The proposed amendment will accomplish several things. It will provide additional opportunity for residents within the EPA to incorporate an architectural feature into the design of their home, barn or other accessory buildings. It may also eliminate the need for the pending appeal of the code and allow the property owner to construct the proposed residence in accordance with the original plans and be in compliance with the code.

III. CURRENT ZONING TEXT:

Section 6.10.6 – Table B Development Standards for Principal and Accessory Uses

Development Standard	Minimum Dimension or Standard
Minimum Lot Width	300 feet, or as otherwise provided in a current, valid development order.
Minimum Lot Depth	300 feet, or as otherwise provided in a current, valid development order.
Maximum Floor Area Ratio	20%, or as otherwise provided in a current, valid development order or as otherwise provided in the Future Land Use Element of the Comprehensive Plan.
Maximum Building Height	35 feet.
Maximum Lot Coverage	20%, or as otherwise provided in a current, valid development order.

IV. PROPOSED CHANGES:

**Section 6.10.6 – Table B:
Development Standards for Principal and Accessory Uses**

Development Standard	Minimum Dimension or Standard
Minimum Lot Width	300 feet, or as otherwise provided in a current, valid development order.
Minimum Lot Depth	300 feet, or as otherwise provided in a current, valid development order.
Maximum Floor Area Ratio	20%, or as otherwise provided in a current, valid development order or as otherwise provided in the Future Land Use Element of the Comprehensive Plan.
Maximum Building Height *	35 feet.
Maximum Lot Coverage	20%, or as otherwise provided in a current, valid development order.

*Note: Subarea A, C, D and E of the EOZD: Principal and accessory structures are limited in height to 35 feet in accordance with the method of calculating maximum building height as set forth in section 6.5.8 of the LDRs. Residential properties proposed to have architectural features (including but not limited to chimneys, cupolas, parapets, towers and turrets) as part of the principal or accessory structures may exceed the 35 foot height limitation provided the architectural feature meets all of the following standards:

- a) The lot must be five (5) acres in size or greater;
- b) The architectural feature does not include habitable room(s);
- c) The architectural feature may exceed the roof line by 25% with a maximum building height of the feature not to exceed 50 feet; and
- d) The architectural feature shall be setback one (1) additional foot for each additional foot of height above 35 feet.

Subarea B of the EOZD: Principal and accessory structure shall maintain the maximum building height of 35 feet as set forth in section 6.5.8 of the LDRS. Non-habitable architectural features proposed on lots five (5) acres or greater shall be subject to the height limitations set forth in the regulations for Subarea A, C, D and E above.

VI. STAFF RECOMMENDATION:

Staff recommends approval of Ordinance No. 2016-20 to 6.10.6 – Table B of the Land Development Regulations related to the maximum building height.

VII. Boards, Committees and Council:

Equestrian Preserve Committee: Recommended approval with a unanimous vote (7-0) at the August 3, 2016 meeting.

Planning Zoning and Adjustment Board: Recommended approval with a unanimous vote (6-0) at the August 10, 2016

Council: This item will be heard at the August 23, 2016 (1st Reading) and September 13, 2016 (2nd Reading) Council meetings.