

Memo

TO: Planning Commission

FROM: Martha Mason Semmes, Interim Zoning Administrator

RE: Summary of Comments on Single-Family Overlay Zones

DATE: July 13, 2023

At the last meeting the Commission requested that I put my comments on the draft Single-Family Detached Residential Overlay Zones in writing. I've attached an annotated copy of the overlays with my comments and excerpts from the Purcellville Land Development and Subdivision Control Ordinance (LDSCO). As explained at the last meeting, the LDSCO regulates the review of subdivisions and site plans and provides the design standards for these applications. The LDSCO is a companion to the Zoning Ordinance in helping to implement the Comprehensive Plan.

In summary, my comments were:

1. Conflicts with the LDSCO. The LDSCO design standards include standards for the design of streets and blocks, among other standards, and some of these conflict with the proposed design standards in the SFD overlay zones. For example, the overlay zones propose to require all streets be public streets, but the LDSCO specifically permits and regulates private streets and private access easements. (See attached LDSCO Excerpts).
2. Architectural Design Standards. The overlays specify architectural standards. Town only has two ways under State enabling legislation to implement architectural control over residential construction, alterations or demolitions.
 - a. Historic Districts. Section 15.2-2306 is the only zoning enabling legislation that permits architectural control by local zoning ordinances, and this section would require that any residential areas to be so regulated be located within a local historic district. The residential areas proposed for the SFD overlays would therefore need to be found eligible for historic district designation and the overlay would need to be established in accordance with 15.2-2306. It is doubtful that all of these areas would qualify for historic district designation at this time.
 - b. Architectural Control Overlays. The Town Code Chapter 54, Article II permits the establishment of architectural control overlay zones outside of the zoning ordinance enabling legislation. As you know at this time the only ordinance passed through these provisions only regulates non-residential development. The Town could establish new overlays through the Town Code provisions covering residential uses.

SECTION 3.#

SFDT Single-Family Detached Traditional Overlay District

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1) INTENT

The **Single-Family Detached Traditional Overlay District** reflects the diversity and variation in character of the oldest neighborhoods in Purcellville. The intention of this district is to preserve the diversity and variation that comes with one-off organic development as compared with the uniformity of planned growth projects. To fulfill this intention, the following conditions apply to infill as well as future single-family subdivisions constructed in this overlay district. The Single-Family Detached Traditional Overlay District shall comprise Low-Density (R-2) and Medium-Density (R-3) Single-Family Detached Residential uses as well as Private and Public Parks and Open Spaces in areas designated as Single-Family Detached Traditional in the comprehensive plan. Streets are generally straight and many are narrow, with trees planted in front and side yards on both sides of the streets.

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2) APPLICABILITY

The standards of the Single-Family Detached Traditional Overlay District shall apply to all areas mapped within the Single-Family Detached Traditional Overlay District on the official zoning map. For any standards not specified for the Single-Family Detached Traditional Overlay District, the standards of the base district shall apply.

3) LAND USES PERMITTED

No property shall be used for any purpose other than for such purpose permitted by the base district in which the property is located.

4) LOT AND BULK STANDARDS

TABLE A - SFDT LOT AND BULK STANDARDS		
CATEGORY	PERMITTED BY-RIGHT	PERMITTED BY SPECIAL USE PERMIT
Lot Size		
Minimum Lot Area	Base district regulations shall apply (Permitted by-right minimum lot size of 15,000 square feet for R-2 and 10,000 square feet for R-3.)	
Minimum Lot Frontage	Base district regulations shall apply	
Yard Setbacks		

Deleted: 10,000 square feet for R-3 and

Front Yard Setback	Base district regulations shall apply	
Side Yard Setback	Base district regulations shall apply	
Rear Yard Setback	Base district regulations shall apply	
Building Standards		
Building Height	Base district regulations shall apply	
Lot Coverage	Base district regulations shall apply	
Building Footprint	Base district regulations shall apply	
Floor-Area Ratio	Base district regulations shall apply	
Impervious Surface Ratio	<u>equal to or less than 0.29</u>	<u>greater than 0.29</u>
Open Space Ratio	<u>equal to or greater than 0.71</u>	<u>less than 0.71</u>
Roof Pitch	?	?
Facade Articulation	?	?

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5) SITE DESIGN STANDARDS

TABLE B - SFDT SITE DESIGN STANDARDS	
Roadways	
Sidewalks	Sidewalks shall be installed on both sides of heavily trafficked streets when opportunity and funding permits
Roads	<p>Streets shall connect frequently and provide an interconnected grid. Where new public streets connect with existing streets, impact to the design of existing streets shall be kept to a minimum.</p> <p>New public right of way shall be consistent with the Virginia Department of Transportation (VDOT) standards and</p>

Commented [SM1]: These Site Design Standards conflict with or duplicate the Design Standards of the Land Subdivision & Development Control Ordinance. See attached excerpts from the LDSCO. The PC may want to review the LDSCO at a later date for its consistency with adopted Comp Plan.

Commented [SM2]: By whom?

Commented [SM3]: All new public ROW must meet VDOT standards, so this statement is not necessary.

generally consistent with the cross section below, depending on traffic volume. New streets in this overlay district shall be public.

Blocks shall be square with somewhat regular sized parcels that are square or rectangular.

Commented [SM4]: What cross section below? None provided.

Commented [SM5]: This conflicts with Town's Land Development & Subdivision Control Ordinance. See Article III, Section 3.3.2 and 3.4, which permit private streets and private access easements.

Commented [SM6]: There are standards for blocks in the LDSCO already. See attached LDSCO excerpt. As written, this proposed standard is vague. What does "somewhat" and "regular-sized" mean?

6) ARCHITECTURAL DESIGN STANDARDS

- Detached garages and accessory structures shall be permitted by-right and attached by special use permit.
- Colonial, Cape/Bungalow, Rambler/Ranch and Victorian architectural styles shall be permitted by-right and other styles shall require a special use permit.
- Traditional architecture that the Commonwealth of Virginia and the National Register of Historic Places recognize as contributing to Purcellville's traditional character shall be protected against by-right demolition.

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Commented [SM7]: This seems an overly burdensome process for an attached garage.

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Commented [SM8]: There is no zoning enabling authority for these architectural standards outside of a designated historic district (see State Code 15.2-2306). Not all of these areas are likely to qualify for historic district designation. As an alternative, the Town could add BAR review of residential new construction & alterations to the Townwide architectural review provisions of the Town Code.

SECTION 3.#

SFDS Single-Family Detached Suburban Overlay District

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1) INTENT

The **Single-Family Detached Suburban (SFDS)** Overlay District is designed to preserve the character of Purcellville's existing subdivisions and is appropriate for infill in these existing neighborhoods. The intention of this district is to preserve the uniformity of planned growth projects in contrast to the diversity and variation that comes with one-off organic development that characterizes the areas covered by the Single-Family Detached Traditional Overlay District (SFDT). To fulfill this intention, the following conditions apply to infill as well as future single-family subdivisions constructed in this overlay district. The Single-Family Detached Suburban Overlay District shall comprise Low-Density (R-2) and Medium-Density (R-3) Single-Family Detached Residential uses as well as Private and Public Parks and Open Spaces in areas delimited as Single-Family Detached Suburban in the comprehensive plan. Architecture tends to follow a pattern within the subdivision with variations on a model or floor plan repeating throughout the development. Streets are typically wide and curving with sidewalks, and trees being common on both sides of the street. There may be on-street parking depending on vehicle traffic volumes.

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2) APPLICABILITY

The standards of the Single-Family Detached Suburban Overlay District shall apply to all areas mapped within the Single-Family Detached Suburban Overlay District on the official zoning map. For any standards not specified for the Single-Family Detached Suburban Overlay District, the standards of the base district shall apply.

3) LAND USES PERMITTED

No property shall be used for any purpose other than for such purpose permitted by the base district in which the property is located.

4) LOT AND BULK STANDARDS

TABLE A - SFDS LOT AND BULK STANDARDS		
CATEGORY	PERMITTED BY-RIGHT	PERMITTED BY SPECIAL USE PERMIT
Lot Size		
Minimum Lot Area	Base district regulations shall apply (Permitted by-right minimum lot size of <u>15,000 square feet for R-2 and</u> 10,000 square feet for R-3.)	

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Minimum Lot Frontage	Base district regulations shall apply	
Yard Setbacks		
Front Yard Setback	Base district regulations shall apply	
Side Yard Setback	Base district regulations shall apply	
Rear Yard Setback	Base district regulations shall apply	
Building Standards		
Building Height	Base district regulations shall apply	
Lot Coverage	Base district regulations shall apply	
Building Footprint	Base district regulations shall apply	
Floor-Area Ratio	Base district regulations shall apply	
Impervious Surface Ratio	equal to or less than 0.2	greater than 0.2
Open Space Ratio	equal to or greater than 0.8	less than 0.8
Roof Pitch	?	?
Facade Articulation	?	?

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5) SITE DESIGN STANDARDS

TABLE B - SFDT SITE DESIGN STANDARDS	
Roadways	
Sidewalks	Streets shall be wide and curving with sidewalks, and trees on both sides of the street.
Parking	On-street parking may be permitted depending on vehicle traffic volumes.

Commented [SM9]: See previous comments concerning potential conflicts with LSDO

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Roads	Street networks shall be curvilinear with the use of culs-de-sacs that create semi-regular to irregular blocks or pods of home sites.
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6) ARCHITECTURAL DESIGN STANDARDS

- Front or side loading attached garages shall be permitted by right and detached garages by special use permit.
- Materials and architectural features are consistent within a development per Home Owners' Association (HOA) guidelines.
- Colonial, Rambler/Ranch and Split Foyer architectural styles shall be permitted by right and other styles shall require a special use permit and HOA approval.

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Commented [SM10]: Ditto comment from first SFD overlay

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Commented [SM11]: Ditto previous comments re authority for architectural review here.

3.2 Subdivision design.

1. *Comprehensive plan.*

Design of the subdivision shall take into consideration all town and county plans for the site and surrounding area.

2. *Compatibility with site analysis.*

The design of the subdivision shall be in harmony with the natural features and constraints of the site as identified in the site analysis. Design of the site shall preserve the natural features of the site to the maximum extent possible, to minimize if not avoid impact on identified environmental features as identified in the comprehensive plan for the Town of Purcellville.

3. *Open space.*

The following areas shall be preserved as undeveloped open space to the extent consistent with the reasonable use of the land and in accordance with applicable state and town regulations:

1. Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972 and field verification by on-site inspection;
2. Floodplain as defined by the Federal Emergency Management Agency of the Floodplain Map of Loudoun County for the Town of Purcellville;
3. Slopes in excess of 25 percent as measured over a ten-foot interval unless appropriate measures are taken concerning slope stability and erosion.

4. *General standards.*

The development shall be designed to reduce cut and fill; avoid unnecessary impervious surfaces; prevent flooding; provide adequate access to lots; and mitigate adverse impacts on adjacent land.

(Amended by Ord. No. 13-12-02, 12-10-2013)

3.3 Roadways, streets and alleys.

1. *Public street standards.*

- a. Streets shall conform to any official plan of the town and as required by the planning commission.
- b. Streets shall connect with existing Streets and shall provide access to adjoining Subdivisions.
- c. Streets shall intersect as nearly as possible at right angles, and jogs or offsets shall be avoided.
- d. So far as possible, Streets shall conform to natural contours and shall provide for good drainage. Grades shall not be less than one-half of one percent nor more than five percent unless a modification is approved by the town.
- e. Streets shall have the following minimum right-of-way width unless otherwise modified by the planning commission.
 1. Local residential streets: 50 feet.
 2. Other residential streets, all business streets and highways: 60 feet or more, according to potential traffic requirements, or as may be designated on any official master plan for the area concerned, or any officially adopted highway widening plan.

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- f. Dead-end streets are to be no more than 1,200 feet long. All dead-end streets shall be provided with a turn-around at the end, having a radius at the property line of at least 50 feet for a maximum length of 1,250 feet from the flow-line of gutter at the entrance to the property line at the radius of the cul-de-sac.
 - g. Street names shall not duplicate nor be similar to the names of existing streets or private roadways in or near Purcellville, unless they are extensions thereof. All street names shall be subject to approval by Loudoun County.
2. *Private roadway standards.*
- a. Private roadways may be created in any subdivision or development. Private roadways shall include: private roads, townhouse accessways, private access easements, common parking courts, and alleys.
 - b. An owners' association shall be created and funded to guarantee the maintenance of any newly created private roadway, except private access easements.
 - c. Private roads, townhouse accessways, and alleys may be constructed only in accordance with the standards and requirements set forth in the town facilities standards manual. Private access easements and common parking courts may be constructed only in accordance with the standards and requirements set forth in this ordinance.
 - d. Private roadway names shall not duplicate nor be similar to the names of existing streets or private roadways in or near Purcellville, unless they are extensions thereof. All private roadway names shall be subject to approval by Loudoun County.
 - e. If private roadways are proposed in a subdivision or development that do not meet VDOT standards, the following note shall be included on all plans and plats associated with the private roadways:

"The private roadways in this development do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by VDOT or the Town of Purcellville, and are not eligible for rural addition funds appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board."
 - f. If private roadways are proposed in a subdivision or development that are constructed to VDOT standards, but are not intended for inclusion in the system of state highways, the following note shall be included on all plans and plats associated with the private roadways:

"The private roadways in this development are not intended for inclusion in the system of state highways and will not be maintained by VDOT or the Town of Purcellville, and are not eligible for rural addition funds or any other funds appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board."

(Amended by Ord. No. 13-12-02, 12-10-2013)

3.4 Private access easements.

- 1. *Limitation.*

Private access easements designed and constructed in accordance with the standards in section 3.4.2 may serve as frontage in lieu of a public street for a maximum of three Lots in any subdivision or re-subdivision.
- 2. *Minimum standards.*

Private access easements shall conform to or exceed the following minimum standards:

- a. The width of any such easement shall be at least 15 feet.
- b. No structure of any kind shall be erected closer than ten feet from the nearest point of the easement to the structure.
- c. Roadway construction on easements shall meet the following minimum standards:
 - Graded width: 12 feet.
 - Travelway width: Ten feet.
 - Travelway construction: Six-inch crushed stone.

3. *Hold harmless statement.*

For any subdivision or development of a tract or land involving a private access easement, or other designated right-of-way which is to be privately maintained, the Plats, plans and deed record for the subdivision or development and for the lot served by such easements shall contain the following statement:

The access serving this Lot is private and its maintenance including snow removal, is not a public responsibility. It shall not be eligible for acceptance into the state secondary system for maintenance unless it complies in all respects to the standards and criteria of the Virginia Department of Transportation for the acceptance of such Streets at the current time of such request. Any costs associated with making this Street eligible for addition to the state secondary system shall come from funds other than from the Virginia Department of Transportation and the Town of Purcellville.

4. *Recordation of agreement.*

An agreement, in proper form, shall be recorded in the land records of Loudoun County and reflected in the chain of title of such lot in order to set forth that the construction, repair and maintenance of the roadway connecting such lot to the public road is not the responsibility of the town or the state and to set forth legally binding responsibilities for the parties who are responsible for construction, repair and maintenance, including snow removal, and all pertinent details. The agreement shall be between the owner of the lot, the contract purchaser and other parties, if pertinent to the purpose of the agreement.

(Amended by Ord. No. 13-12-02, 12-10-2013)

3.5 Blocks and lots.

1. *Length of blocks.*

Length of blocks shall not exceed 1,200 feet in length.

2. *Configuration compatible with location and ordinance.*

The lot area, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with the zoning ordinance requirements. Lots shall not contain peculiarly shaped elongations or other distortions of lot configuration solely to provide the necessary square footage of the area which would be unusable for normal purposes. Lots shall have at least the minimum areas specified in the zoning ordinance of the Town of Purcellville.

3. *Lot width and depth for townhouse development.*

In any townhouse development, the minimum lot width shall be no less than 20 feet and the minimum lot depth shall be not less than 100 feet. Each group of townhouses shall have at least 15 feet of side yard.

4. *Corner lots.*

Corner lots shall have extra width to allow for extra side yards on the street or private roadway sides as well as the dual front yard requirement.

5. *Measurement of lot width.*

Lot width shall be measured at the building restriction line. The building restriction line is determined as that dimension prescribed by the zoning ordinance as the minimum front yard requirement.

6. *Lot line orientation.*

Lot lines should to the extent possible be perpendicular to the street or private roadway line.

7. *Double frontage lots.*

Lots may have double frontage on streets or private roadways provided that where the rear property line abuts a main street or highway, an additional ten-foot buffer strip will be provided along the main street or highway without the right of access across such buffer strip.

8. *Lot length/width ratio.*

Except for townhouse developments, lot depths shall not exceed two and one-half times the width of the lot.

9. *Frontage required.*

Every Lot shall front on an approved street or private roadway.

10. *Building restriction lines.*

Building restriction lines or building setback lines shall be established along all streets or private roadways and shall be shown on all plats. in no case shall such building lines be less than as required by the zoning ordinance.

11. *Easements for storm water drainage.*

Where a subdivision is traversed by a stream or other natural drainage way, the town council may require an easement for storm water drainage or for the construction of storm water drainage structures.

(Amended by Ord. No. 13-12-02, 12-10-2013)

3.6 Dwellings abutting common parking courts.

1. *Criteria for the establishment of common parking courts.*

The town council may approve subdivision and site plan applications with common parking courts provided that all the design standards as prescribed by this ordinance, the facilities standards manual and the zoning ordinance are satisfied and the council determines that:

- a. The development design will provide a greater amount of usable open space than if a public road section were required.
- b. Perpetual maintenance of the common parking court by an owners' association or other approved entity is guaranteed through appropriate legal instruments.

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- c. The common parking courts will provide adequate and convenient parking for all residents and their guests (adequate shall be deemed to mean a minimum number of spaces as required by the zoning ordinance).
 - d. The development design will not conflict with any future road extensions identified on the comprehensive plan for land use, transportation and community facilities.
 - e. Use of the common parking courts will not conflict with the requirement for an adequate network of through Streets in the surrounding area.
2. *Standards for common parking courts.*
- a. Minimum acreage: A minimum of two acres shall be required for all developments proposing the use of common parking courts.
 - b. The following design standards shall be applied:
 - 1. Travelway widths shall not be less than 25 feet, exclusive of any parking spaces, except when parallel parking is provided widths may be reduced to 22 feet, exclusive of any parking spaces.
 - 2. No common parking court shall be located closer than 25 feet to any abutting residential zoning district or the lot line of any residential property which is not directly served by the common parking court.
 - 3. The minimum centerline radius of the travelway shall be 50 feet. The travelway must be able to accommodate a WB-40 design vehicle within the full travelway.
 - 4. Distance from public right-of-way: No common parking court may extend more than 600 feet from a public right-of-way, as measured along the travelway centerline.
 - 5. A minimum separation of 100 feet shall be provided between internal intersections with the travelway as measured centerline to centerline.
 - 6. The maximum grade for travelways shall not exceed nine percent with provisions for a landing not exceeding five percent.
 - 7. Provisions shall be made for adequate drainage of travelways and parking areas in accordance with Virginia Department of Transportation standards and specification for drainage facilities.
 - c. Traffic volume: No entrance to a common parking court shall serve more than 30 dwelling units.

(Amended by Ord. No. 13-12-02, 12-10-2013)