



**TOWN OF MIDDLEBURG
JOINT TOWN COUNCIL &
PLANNING COMMISSION MEETING
Monday, May 20, 2024
10 W. Marshall Street
6:30 PM**



JOINT TOWN COUNCIL / PLANNING COMMISSION MEETING - 6:30pm

1. Call to Order
2. Discussion Items
 - 2.a. Review of R-2 District Community Workshop Report
[2024.05.20 - Joint TC-PC Meeting - R-2 Zoning - FINAL.pdf](#)
[Final R2 Workshop Report.pdf](#)
[2023.03.06 - R-2 Discussion.pdf](#)
[2022.07.14 R-2 Item.pdf](#)
 - 2.b. Town Council and Planning Commission Discussion
 - 2.c. Next Steps
3. Adjournment

Joint TC/PC Meeting Agenda Item Report

Meeting Date: May 20, 2024

Submitted by: Danny Davis

Submitting Department: Administrative Staff

Item Type: Discussion Items

Agenda Section: Discussion Items

Subject:

Review of R-2 District Community Workshop Report

Suggested Action:

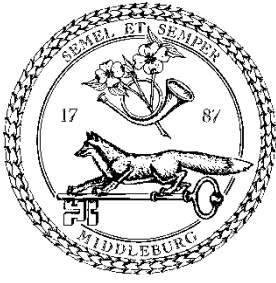
Attachments:

[2024.05.20 - Joint TC-PC Meeting - R-2 Zoning - FINAL.pdf](#)

[Final R2 Workshop Report.pdf](#)

[2023.03.06 - R-2 Discussion.pdf](#)

[2022.07.14 R-2 Item.pdf](#)



TOWN OF MIDDLEBURG, VIRGINIA JOINT TOWN COUNCIL & PLANNING COMMISSION MEETING

SUBJECT: Review and Discussion of R-2 Zoning District Community Workshop

STAFF CONTACT: Danny Davis, Town Manager
William M. Moore, Deputy Town Manager

DATE OF MEETING: May 20, 2024

BACKGROUND

The Town held a community meeting on October 16, 2023, to get feedback from the community on recent construction trends in the R-2 Zoning District, mainly focused on the “Ridge View” area of Town (inclusive of the north side of Stonewall Avenue, which is formally known as the “Fox Hills” subdivision).

The community workshop was one step in the Town Council’s strategic initiative to protect existing neighborhoods, to understand the community’s general sentiment on recent construction trends, and to gauge the community’s interest in the Town pursuing additional mechanisms to address any concerns.

STRATEGIC PURPOSE

The Town Council has been approaching this issue with three key purposes in mind:

- Prevent loss of attainable/affordable housing;
- Protect current fabric of our community by ensuring a variety of housing types that appeal to residents who will be invested and engaged in the community; and
- Limit aesthetic and developmental impacts from larger homes that do not fit the character of Middleburg.

At the Town Council’s Strategic Planning Retreat in April 2024, the Council discussed this issue at length. Most directly concerning is the fact that with each new, large home built in Ridge View, the Town is losing existing housing stock that could be attainable for general workforce.

Furthermore, the Town has an expressed interest in having members of the community that live in the community, engage in community activities, and contribute in meaningful ways. Specifically, the Town wants to avoid becoming a “vacation home” or “second home” locale where homes are often unoccupied, predominantly used for short-term rentals, or disconnected from the community.

The Town’s Comprehensive Plan, adopted in October 2019, reiterates this point with two of the key goals being:

Maintain a diverse community of attractive neighborhoods that provide quality housing for an even wider range of residents in a style that matches the historic character of the Town; and

Carefully plan for and control development to ensure preservation of the Town’s rural village character, while allowing growth that serves local needs and matches the Town’s aesthetic quality.

The Town Council also reiterated its perspective that while the aesthetic issues recently seen in Ridge View are of concern, they are more symptomatic of the bigger concerns stated above and should be seen as a contributing issue but not the main motivation for seeking additional changes in Zoning.

RESULTS OF COMMUNITY WORKSHOP

The community workshop was effective in getting an overall directional sense of the community's feelings on the topics noted above.

Specifically, by about a 2-to-1 ratio, members at the workshop expressed a desire for more action to be taken to limit the recent construction trends.

Second, the input at the community workshop focused on implementing more stringent Zoning Standards (height, required yards, lot coverage, and floor area ratio¹, as examples) and on certain design elements that could be accomplished through Zoning Standards (such as the location of garages).

A final input from the community was consideration of an Architectural Control District that could have authority over few or many aspects of design and development in the subdivision.

OPTIONS

The report from the Community Workshop offers four options:

1. No Changes: This option would leave the zoning standards as-is and allow new homes and/or additions on homes to meet the current zoning requirements.²
2. Zoning District Standards: This would include taking additional steps to limit building sizes, such as height, required yards, lot coverage, and floor area ratio).

This option would take approximately 6-7 months to complete.

3. Zoning Design Standards: Development of supplemental use regulations that could guide specific design elements of new homes, such as the location of garages, required landscaping, or fencing.

This option would take approximately 6-7 months to complete and could be done concurrently with Option 2 above or could be done separately.

¹ Floor Area Ratio, sometimes referred to as FAR, is the percentage of square footage of the livable area of a home compared to the overall lot size. For example, a 2,000 square foot home on a 10,000 square foot lot would have an FAR of 0.20. Specific details of how to calculate the applicable square footage (such as for a finished basement) would be discussed during development of Zoning standards.

² The Town Council has already adopted two sets of Zoning Ordinance changes that have resulted in limited effectiveness in addressing the community's initial concerns. However, ongoing community input is that additional interventions are desired to have a greater effect on recent construction trends.

4. Architectural Control District: Creation of a Zoning overlay district over some or all of the R-2 properties that could provide guidelines over limited or extensive elements³. The result would be to ensure conformity with the overall district and could address items such as size, style, layout, building materials, and colors. This option could be very broad or very narrowly focused on one or two items of most concern to the community.

Staff notes that many of the key items that an Architectural Control District (ACD) might regulate, such as size, massing, and location of a building on a lot, could be regulated by one of the two Zoning Ordinance options above (Options 2 and 3). The primary areas that an ACD might provide additional control over could be compatibility with the district or adjacent properties, aesthetic items such as color and material, or other architectural features.

This option would likely take 18 months to complete. This process requires:

- Development of a Zoning Overlay District as a Zoning Ordinance Amendment;
- Development of District Guidelines, to include what particular matters would be subject to the District and how it would be implemented; and
- Rezoning of all affected properties to include this District as an overlay on top of the underlying R-2 Zoning district.

GOAL

The goal of the joint meeting with the Planning Commission and Town Council is to:

1. Review the results of the community workshop together;
2. Discuss the results and consideration of next steps;
3. Understand process for next steps, community engagement, and level of priority given to this effort; and
4. Receive direction from the Town Council on proceeding forward, if appropriate.

ATTACHMENTS

- R-2 Community Workshop Report
- Overview of Zoning Actions taken To-Date in R-2 Zoning District

³ The Town's Charter was amended by the General Assembly in 2012 to enable establishment of architectural control districts outside of the boundaries of the Historic District. However, unlike in the Historic District, the regulation of demolition of structures is not enabled.

Town of Middleburg

R-2 District

Community Workshop Report

December 4, 2023



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Purpose & Scope

The Berkley Group, a Virginia-based local consulting firm, partnered with the Town of Middleburg to facilitate a public engagement event regarding the R-2 Zoning District. The R-2 Zoning District is a designated area on the official Town zoning map that primarily allows for construction of single-family detached dwellings and their accessory uses. Some members of the community have stated concerns with the character of more recently constructed homes in the R-2 District. These concerns range in nature and relate to multiple district standards. However, the purpose of this project was not to analyze specific zoning standards. Instead, this project was intended to receive a consensus from the community about development topics in the R-2 District.

The facilitated engagement occurred in the form of a community workshop that was open to the public and asked attendees for their feedback about residential development similar to the R-2 District development. The Berkley Group then synthesized the feedback into this report for the Town of Middleburg. Town Council's goal was to determine community sentiment and to consider potential changes to the Town's land use regulations that might address any ongoing concerns.

Report Outline

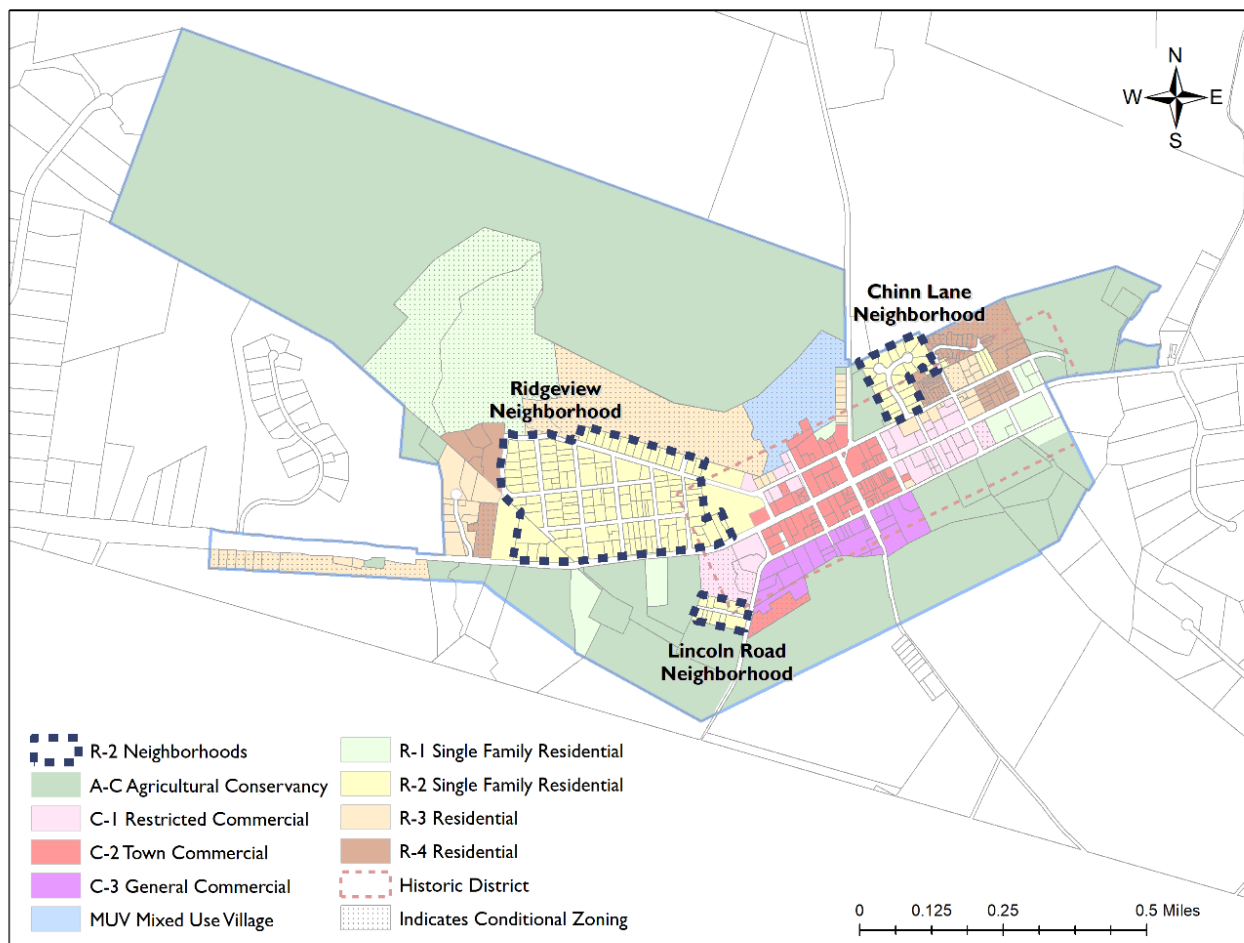
The following report is a summary of the existing conditions, community workshop activities and results, and Berkley Group's recommendations. The report is structured into five separate sections which are explained as follows:

- Purpose & Scope: This section discusses the intentions and reasoning behind the project.
- Existing Conditions: This section provides background on the R-2 Zoning District, where it is located, and what zoning regulations are currently in place.
- Community Workshop: This section details the community workshop location and process. It also contains a summary of the responses and provides some of the key themes and takeaways from those responses.
- Recommendations: This section includes actions that the Town could take to address the concerns that were voiced at the workshop.
- Next Steps: This section outlines the next steps to be taken for this project.

Existing Conditions

The R-2 Zoning District encompasses a large portion of the Town of Middleburg and accounts for the majority of the residential zoning within the Town as shown in yellow on the Zoning Map included below. A small portion of the R-2 District lies within the boundaries of the Town's current Historic District, the red dashed rectangle, and the majority is not subject to review by the Town's Historic District Review Committee (HDRC).

Figure 1: Middleburg Zoning Map Showing R-2 District Neighborhoods



District Standards

Every Zoning District has standards that dictate the look and feel of development within that district. Examples of these standards include, but are not limited to: setbacks – the distance a structure must be from the street and neighboring lot; lot size – the minimum size required for a parcel/lot of land; or height – the maximum height of a building. Characteristics of dwellings such as height, distance between dwellings, and distance from the street determine the look and feel of a given community. The district standards for the R-2 District are detailed in table 1.

Table 1: R-2 District Standards

Minimum Lot Size	8,000 sq. ft.
Minimum Lot Width	50 ft at front yard; 40 ft at property line
Front Yard Depth	20 ft. min.; 30 ft max or no less than both adjacent lots for infill
Side Yard Depth	7.5 ft. min.; 20 ft. for corner lot
Rear Yard Depth	30 ft.
Lot Coverage	30% max., never to exceed 3,750 sqft <i>*(Amended from 30% in 2022)</i>
Impervious Lot Coverage	45% maximum, never to exceed 5,625 sqft <i>*(Added in 2022)</i>
Principal Building Height	25 ft.; 30 ft. with increased side yard
Accessory Structure Height	15 ft.

Recent Development

The R-2 Zoning District has seen in-fill development over the past decade due to demand pressures such as the proximity of Middleburg to Washington D.C., the COVID-19 Pandemic and the resulting increase in the desirability of working from home, coupled with attractive quality-of-life benefits of Middleburg. This has brought new demand for different types of residential development including greenfield and infill development, home restoration, additions, and the tear-down of older residences and their replacement with larger units.

These development trends have increased in recent years, with 9 building permits being issued for the R-2 District since the year 2020, a significant number given the Town of Middleburg's size. This increase has resulted in concerns from residents within the R-2 district about the changing character of their neighborhoods.

The Berkley Group reviewed the R-2 District in the Spring of 2022 and delivered a report to the Town detailing best practices and suggesting a selection of interventions which could be implemented within the zoning district. This report outlined three levels of interventions: Level 1 recommended a minimum set of changes including adding maximum impervious lot coverage requirements for buildings and surfaces. The Town implemented these changes in 2022. Level 2 proposed Additional Development Requirements relating to lot size, coverage, and minimum tree canopy and landscaping. Some of these were addressed such as a maximum lot coverage requirement. Level 3 interventions proposed Architectural Design Standards to address issues such as style and massing. At the time of this report Level 3 interventions had not been implemented.

Despite these interventions the Town has continued to receive input from residents about development in the R-2 District. However, input has been varied, with some members of the public expressing concern and others expressing a willingness to see how the latest regulations are implemented. As a result, it is important to determine the consensus of the community regarding development in the R-2 District to provide Town Council and Staff with guidance on possible next steps.

Community Workshop

The Berkley Group facilitated a community workshop on October 16th, 2023, at the American Legion at 6:00 PM. The workshop was advertised through a community flyer, which was distributed by the Town as well as posted on the Town website and social media accounts. A total of 56 community members attended and participated in the workshop. The workshop was also attended by elected and appointed Town officials as well as staff members.



Workshop Structure

The structure of the workshop was to present participants with a two-part, visual preferences exercise showing development with characteristics similar to that which has recently occurred in the R-2 District. The first part of the exercise was designed to determine general opinions of such development, and the second part of the exercise was designed to determine preferences for alternatives, if any.

Attendees sat at eight tables in groups of approximately eight attendees. Each group was asked to select a recorder, whose job it was to record the responses of each group in a packet of questions that were given to them at the start of the workshop.



Exercise 1 – Preference Discussion

In the first exercise participants were shown four different pictures of residential development and were asked to discuss and come to a consensus on each, regarding their preferences of design. The worksheets placed at each table included prompts to help engage the groups in conversation. The prompts asked what they liked about the development, what they didn't, and whether they believed the development was appropriate for the Town and their neighborhood. Each group reported their consensus on a portion of the four pictures to all workshop attendees before exercise two began.

Exercise 2 - Alternatives Discussion

Exercise two was conducted similarly to exercise one. Participants were asked to work in their groups to provide feedback about pictures of residential development across four different questions. This time, each question included an original picture from the first exercise along with three contrasting examples showing similar development with differences in key features such as setbacks and garage placement. Groups were then asked to assess each of the four questions and describe what development features they liked the most out of the given options for each

question. Following the second exercise, groups were asked to report their response to one of the questions to the workshop attendees.

Workshop Results

After the conclusion of the workshop Berkley Group staff collected responses and tabulated them into a raw digital state and then reviewed and categorized based on the type of feedback received.

After analyzing participant responses Berkley Group staff produced the following summaries of common feedback, preferences, and themes for each question. Each summary also includes the visuals that were shown for that specific question:

Exercise 1 – Preference Discussion

Is this the kind of residential structure we would like to see built in our Town? How do you feel about specific aspects of the structure, such as height, garage, closeness to surrounding houses or the street? Are there benefits to the community such as newer, roomier houses, increased tax revenue, or more desirable floor plans? Would you like to do something similar with your house? Are there impacts on surrounding properties?

Example Number 1



Results:

- Participants liked the diversity of build styles that were portrayed and felt that this diversity provided more character.
- The size of the home on the left was seen as too big in contrast to the one on the right, and an issue to neighborhood scale and viewshed.
- The front facing garage built into the façade of the home was also seen as undesirable.

Example Number 2



Results:

- Participants did not like the similarity in houses shown in the picture and did not like this type of uniform “cookie-cutter” development and the lack of building diversity.
- There were concerns raised regarding the side and front setbacks being too small and the homes being too close to each other and to the sidewalks.

Example Number 3



Results:

- Concerns were raised regarding front facing garages attached to this home.
- The height of the building and its design, with a combination of architectural styles, were also seen as undesirable by groups, specifically the angular look, color, and building materials.

Example Number 4



Results:

- A majority of groups were complimentary of the varied front setbacks shown in this example.
- Some preferred the stagger to be less extreme than what was shown.
- The landscaping in this example was pointed out as desirable for residential development.
- Preferences for a certain amount of diversity, versus homogeneity within the area, continued to be a theme.

Additional Comments

Is there anything else that you've noticed about the recent construction in your neighborhoods that you'd like to discuss?

- Consistent feedback was received about greater regulation over the development taking place in the Ridgeview neighborhood.
- Comments indicated a desire to keep the historic charm and feel of the Town, while also encouraging diverse development types so long as they do not stray too far from the typical design styles that already exist within the R-2 District.

Exercise 2 – Alternatives Discussion

How do the alternative examples differ from the original? Is there something about them that is preferred? If so, what and why? If not, why not?

Example Number 1



Results:

- Almost all groups agreed that Option 2, with its traditionally designed houses and setbacks, was the most desirable of the alternatives shown, and offered the most diversity in traditional housing design, which was typical of the existing R-2 District housing stock.
- Participants also viewed Option 1 being too large and contemporary, and disliked the front garages shown in Option 3.

Example Number 2

1



2



3



Results:

- Less consensus existed for this question than that of Question 1 in Exercise 2.
- Most groups believed none of the alternatives were perfectly appropriate for the Town, however Option 3 was the least objectionable due to the traditional building style and significant attractive landscaping.
- Overall there was a preference for traditional early to mid-20th Century architectural design and an absence of front facing garages.

Example Number 3

1



2



3



Results:

- The majority of feedback received on this question related to the garages and porches.
- All groups shared negative feedback about the presence of garages, but indicated a preference for the detached, rear-yard version shown in Option 3.
- Positive comments were received about the porch on Option 3, again indicating preference for more traditional residential design aspects.

Example Number 4



Results:

- Most groups indicated a preference for the setback style shown in Option 2, though one group preferred Option 3.
- These results indicate a desire for visual interest and some variability in setbacks, typical of traditional neighborhoods.

Additional Comments

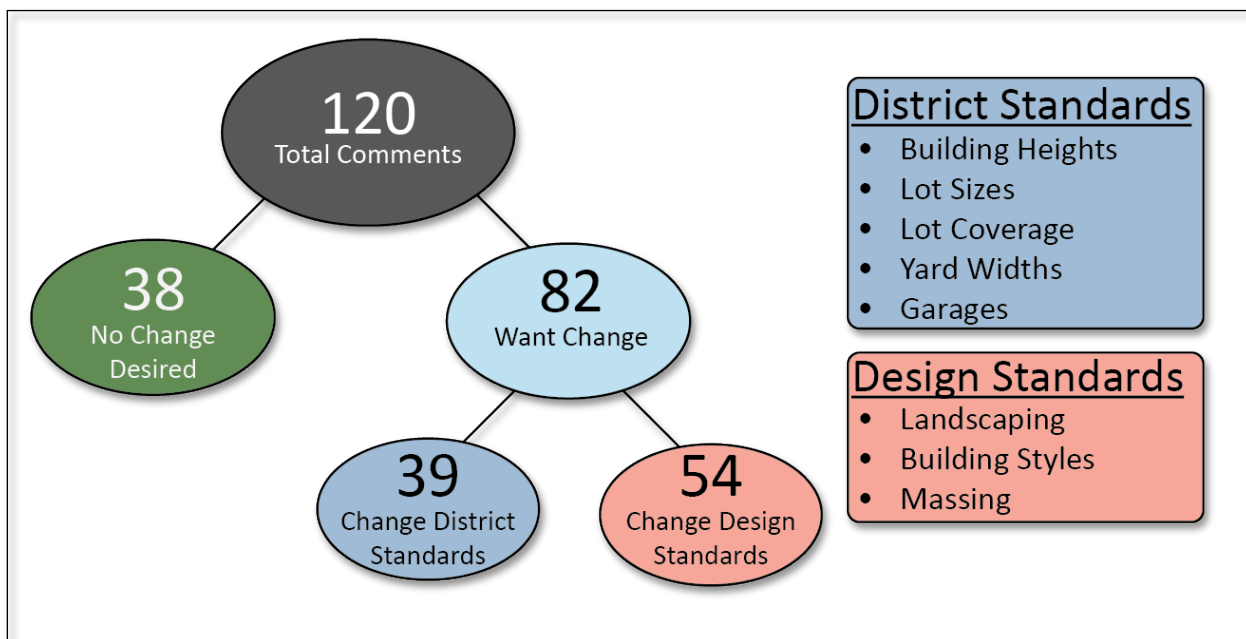
Do you have any other ideas for alternatives?

- Multiple groups expressed a desire for the expansion of Architectural Review Board authority throughout the Town to review design aspects of all new development.

Key Themes & Takeaways

Participants at the workshop provided approximately 120 different comments worth of feedback across the two exercises. These comments have been reviewed and thematically mapped to try and understand some major trends or takeaways from the workshop. Of the 120 comments reviewed, 38 of them indicated that no changes to regulations were needed at this time. Of the remaining 82 comments that wanted to see some degree of change, 39 of them wished to see changes to Zoning District standards, such as building heights, lot coverage, or yard widths, and the other 54 indicated that requirements for Design Standards for new development may be needed, this includes things such as garages, landscaping, building styles, or massing.

Figure 2: R-2 Workshop Results Web Graphic



Given these responses, it appears that a majority of participants who participated in the workshop do believe that there are additional zoning changes that would be appropriate for the R-2 District. A slight majority of those favoring changes singled out issues that must be addressed though Design Standards, such as a preference for early 20th Century residential architectural styles, and height and massing similar to adjacent properties. However, it would be possible to address a large minority of the issues that were identified through additional District Standards. These include a prohibition on front facade garages, traditional setbacks, and attractive landscaping. Interestingly participants preferred some variability in styles and front setbacks, but only within what they considered an appropriate range, typical of the existing housing stock, and not significantly taller or larger than adjacent houses, and not significantly closer to the street. In general, these preferences indicate the desire for new construction to “fit in”, and to be harmonious with what has already been built, respecting the style and character of the existing neighborhoods.

It should be noted that the responses received during the workshop were from participants that were specifically asked to provide feedback regarding similar examples of development within the Town. Further public engagement regarding proposals for specific regulations, rather than general feedback, is recommended if the Town wishes to make additional changes.

Recommendations

After considering community feedback collected during the workshop, the following is an analysis of the range of options the Town could pursue, along with a recommendation by the Berkley Group. These options are presented as a spectrum of size and intensity of change, with no change to the Town's current land use being the simplest action taken, and each successive change being larger and more intensive, with greater effects to residents and developers.

Option 1 – No Change

As stated above, about one third of the comments received during the workshop indicated that no changes needed to be made at this time. This feedback took two forms: 1. Increased regulation would be burdensome and would interfere with property owners ability to do as they wish with their property, and 2. The possibility that recent changes to the ordinance, such as lot coverage, needed time to “play out”, suggesting some support for a wait and see approach.

Option 2 – Alter R-2 District Standards

Altering Zoning District standards is a typical process that would require the Town to make Zoning Text Amendments to address the standards in question. Based on the feedback received, increasing yard requirements, decreasing building ratios, increasing setbacks, and decreasing maximum lot coverage may be the most warranted district standard changes for R-2.

Option 3 – Alter Zoning Ordinance Supplementary Use Regulations

As opposed to District Standards which regulate items such as setbacks and height, Design Standards can be used to control factors such as location, arrangement, and materials. While they do not have the specificity of Architectural Control, they can provide the ability to require that key characteristics of the neighborhood meet the community's expectations.

The Town's Zoning Ordinance already includes similar requirements for other uses in Article XII Supplementary Use Regulations, and this section could be amended to require them for the R-2 District as well. Several issues raised by the community such as the placement of garages behind the rear building line, landscaping and fencing, placement of driveways, and some simple design elements such as roof shape can be addressed in this manner.

Design standards also have the advantage of being able to be interpreted by staff during plan review for a building permit, avoiding long review times and additional costs. Since they are part

of the Zoning Ordinance, relief from Design Standards can also be granted by variance if warranted.

Option 4 – Expansion of Architectural Review

The final option presented for consideration, includes the suggestion to create an Architectural Control District, which is allowed by the Town’s Charter. This is the most significant suggestion, but also provides the most ability to address issues workshop participants raised such as character and style.

An Architectural Control District requires that standards be adopted and then enforced. The District could be administered by Town Staff as an administrative function or by a body appointed by the Town Council. The specific purview of the District depends on the Council’s preference after receiving additional community input: for instance, the District could address a very limited number of items, such as location of garages and massing. Alternatively, a District can be very broad, including size, massing, materials, colors, and overall compatibility with existing structures.

Creation of an Architectural Control District would require the most amount of work of all the proposed Options presented, as significant amounts of regulation and additional code would need to be put in place. This option would also likely have a significant impact on the community, including residents and property owners. If the Town wishes to pursue this option, it is recommended that a comprehensive community engagement be conducted first.

Recommendation Summary

Given the general opinions and concerns of residents and considering the costs and benefits of the above options, Berkley Group recommends a combination of solutions from Options 2 and 3 as the most balanced way to address the issues workshop respondents identified. Generally, this recommendation is in alignment with the previous report from April of 2022, which detailed similar potential changes, some of which were implemented.

This approach would require amending the R-2 District Regulations to further refine setbacks and lot coverage, and also amending

Article XII Supplementary Use Regulations to employ design standards for R-2 that address factors such as garage placement and orientation. Making these changes will address many of the

concerns that were expressed during the workshop and will ensure better neighborhood continuity. This course of action also provides more deference for the residents who felt that no changes are necessary, or who wanted to avoid significant amounts of regulation and the associated impacts and costs to property owners.

USE ZONING TOOLS TO REFINE SETBACKS AND LOT COVERAGE, WHILE ALSO EMPLOYING DESIGN STANDARDS TO ADDRESS CONCERNS SUCH AS GARAGE PLACEMENT AND ORIENTATION.

Next Steps

Should the Town of Middleburg decide to pursue changes to its land use regulations to address the concerns of residents, the next step should be to engage with the community regarding the specific proposal the Town wishes to pursue. Community discussion and feedback will be critical to moving forward in a manner that has community buy-in and will ensure new development meets the form and quality that Middleburg residents desire.

The following steps outline actionable steps for the Town to take to begin addressing a selected course of action:

1. A joint meeting with Town Council and Planning Commission to review this report, discuss the outcomes of the meeting, and discuss areas of commonality for the next steps.
2. After the joint meeting, Town Council may revise its intent to amend the Zoning Ordinance in order to more specifically define the steps it will take, and will then forward the matter to the Planning Commission for review and potential action.
3. Engage the community to get feedback on the desired proposal.
4. Create a draft of regulations incorporating any community feedback on the proposal.
5. Share draft regulations with the community for additional feedback.
6. Adopt and implement new regulations.



TOWN OF MIDDLEBURG, VIRGINIA TOWN COUNCIL STRATEGIC PLANNING RETREAT

SUBJECT: R-2 Development Concerns

STAFF CONTACTS: Will Moore, Deputy Town Manager
Danny Davis, Town Manager

DATE OF MEETING: March 6, 2023

Background

Early 2021

- Planning Commission began studying concerns regarding the scale and character of infill/redevelopment in our older residential areas - particularly the Ridge View subdivision.
- Staff presented a number of potential revisions to consider; PC elected to proceed with revisions to building height and side yard regulations, but to defer other possible amendments for further study.

May 2021

- Council adopted initial revisions to R-2 District regulations pertaining to building height and side yards.

Summer 2021

- Staff developed a scope and engaged with the Berkley Group to perform additional study and analysis to support the Commission.

October 2021-March 2022

- Berkley Group study conducted; report prepared with recommendations for consideration.

April-June 2022

- PC considered various recommendations from Berkley and initiated an amendment to implement further revisions to the R-2 regulations.

July 2022

- Council adopted the additional revisions as recommended by the PC (see below).

Berkley report review

The Berkley report was thorough and included: detailed analysis of existing conditions; summary of issues and challenges; best practices research; benchmarking research; and three levels of recommended interventions for consideration.

The three levels (detailed beginning on p. 21 of the attached report) were as follows:

- Level 1 – Addressing Impervious Coverage
 - Keeping max. building lot coverage the same (30%)
 - Instituting a total max. impervious coverage
- Level 2 – Additional Development Regulations, including:
 - Establishing a maximum lot size of 12,500 sf
 - Reducing max. building lot coverage to 25%
 - Adding tree canopy and landscaping requirements

- Level 3 – Architectural Design Standards
 - Adoption of an architectural design district

The Level 1 intervention was recommended and adopted. The first of the Level 2 interventions was adopted in a modified form (the max. lot size was not adopted; however, the max. lot coverages for both buildings and impervious areas were capped as though the max. lot size was 12,500 sf).

Discussion Points

- Better understanding of nature of concerns (loss of existing homes, compatibility of new homes, affordability, etc) that Council wishes to address.
- Additional zoning interventions that could be considered (whether additional interventions from Berkley report or others). Examples include:
 - Further limit max. building lot coverage beyond current restriction
 - Further limit building height
 - Further increase building setbacks or size of required yards
 (Any of these options would require more detailed analysis by staff or a consultant)
- Potential limitations on ability of zoning interventions to address concerns
- Input from community, in particular existing owners in R-2 that may be affected by additional regulatory changes.

Potential Timeline/Work Plan (estimate only):

- Discussion with Council on possible interventions: March-April 2023
- Resolution of Intent to Amend Zoning Ordinance: May 2023
- Planning Commission Review, including Public Hearing: June-August 2023
- Town Council Review, including Public Hearing: September-October 2023
- Final Adoption: November 2023

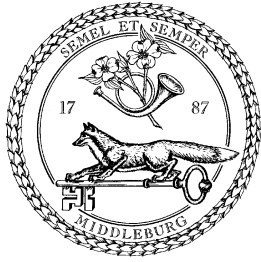
Staff notes that, depending on the intervention(s) preferred by the Council, additional consultant time may be required prior to the Resolution of Intent to Amend, which could add 3-5 months to the project timeline.

Recommendation

- Staff recommends discussion on the points above at the retreat.
- Council consultation with Town Attorney.
- Staff is prepared to draft additional zoning amendments for consideration based on direction from Council.

Attachment

Berkley Group R-2 District Review report



TOWN OF MIDDLEBURG

Loudoun County, Virginia

MEMORANDUM

TO: Mayor Littleton and Members of the Middleburg Town Council

FROM: William M. Moore, Deputy Town Manager

MEETING DATE: July 14, 2022

SUBJECT: **Zoning Text Amendment 22-01** - An Ordinance to amend Articles II, IX, X and XI of the Middleburg Zoning Ordinance pertaining to definitions of Building Lot Coverage and Impervious Lot Coverage and associated regulations thereof

Background

In early 2021, the Planning Commission began studying concerns from residents and from the Mayor and Council regarding the scale and character of infill/redevelopment in our older residential areas – particularly the Ridgeview subdivision. Staff originally prepared an initial draft of amendments for the Commission to consider, including potential revisions to building height regulations and side yard regulations, introduction of a maximum lot size, and expanding the definition of lot coverage to address additional impervious surfaces other than just areas under roof. Based on the priority from the Mayor and Council, the Commission elected to proceed with proposed revisions to building height regulations and side yards, but to defer other possible amendments to such a time when they could adequately study the issues.

In May 2021, Council adopted these initial revisions to the R-2 District regulations pertaining to building height and side yards as an initial step in addressing the concerns. In the following months, staff developed a scope and engaged with the Berkley Group to perform additional study and analysis to support the Commission in its consideration of further possible amendments.

Berkley held a kickoff meeting with the Commission in late October and began working on the project. After months of study, the Commission received a presentation on Berkley's R-2 District Review Report at its March 28 meeting and subsequently received the final report and discussed next steps at its April 18 meeting. The report was thorough and included:

- Detailed analysis of existing conditions
- Summary of issues and challenges
- Best practices research
- Benchmarking research
- Recommended interventions

Berkley presented three levels of interventions for consideration to improve neighborhood compatibility and reduce negative impacts associated with infill and redevelopment in the R-2 District. Generally, these progress from simpler to more complex in terms of implementation and administration, although staff notes that even the Level 1 intervention would increase the complexity of administering the Ordinance, in addition to increasing the burden on applicants to provide greater detail for any plans on their properties.

The three levels are detailed beginning on p. 21 of the attached report. In general, the levels are as follows:

Level 1 – Addressing Impervious Coverage

- Keeping max. building lot coverage the same (30%)
- Instituting a total max. impervious coverage

Level 2 – Additional Development Regulations, including:

- Establishing a maximum lot size of 12,500 sf
- Reducing max. building lot coverage to 25%
- Adding tree canopy and landscaping requirements

Level 3 – Architectural Design Standards

- Adoption of an architectural design district

The Commission reached consensus on moving forward with the recommended Level 1 intervention to address maximum impervious coverage. There was discussion, but not consensus, on moving forward with the first recommendation under Level 2 to establish a maximum lot size. The Commission was opposed to pursuing the remaining Level 2 and the Level 3 interventions at this time.

Based on the discussion and concerns related to maximum lot size, staff offered an alternate consideration to place a maximum cap (in square feet) on lot coverages regardless of lot size. Under this approach, much larger lots could still be created, but the size of a dwelling and the impervious area of coverage would be capped as though the lot was 12,500 sf in size. The Commission preferred this approach. Based on this direction, staff drafted the amendment and the Commission subsequently initiated it its May 23 meeting.

Analysis

The draft text amendment consists of the following components:

1. Definitions

- a. Lot Coverage, as currently defined and applies to areas under roof, would be re-titled as “Building Lot Coverage.”
- b. An additional definition of “Impervious Lot Coverage” would be added that would include Building Lot Coverage and other defined impervious surfaces. An allowance would be included for alternate paving materials (pervious pavers, Grasscrete® systems, etc.) to be calculated at 50% of the actual area of coverage.
- c. An existing, redundant definition of “Percentage of Lot Coverage” would be deleted.

2. Re-titling Lot Coverage as Building Lot Coverage throughout various Ordinance sections

- a. Lot Coverage regulations currently exist in various sections of the A-C, Residential and Commercial District Articles. Each occurrence would be re-tilted as “Building Lot Coverage.”
- b. No changes to the maximum percentage coverage allowable in any of the various regulations are proposed.
- c. Minor revisions (i.e. changing “%” to “percent”) for consistency.

3. R-2 proposals

- a. Addition of Impervious Lot Coverage regulation
 - i. Maximum of 45 percent (consistent with the Berkley report recommendation)
 - ii. Only introduced in R-2 District, which is specifically intended and mapped for older, established neighborhoods wherein most of the Town’s storm drainage challenges are located.
- b. In lieu of proposing a maximum lot size per the first recommendation under the Berkley report Level 2 interventions, absolute maximum caps in square feet for both Building Lot Coverage and Impervious Lot Coverage are proposed.
 - i. The proposed caps of 3750 and 5625 sf, respectively, are equivalent to the maximum percentages (30 and 45) that would be allowable for a 12,500 sf lot (the max. lot size recommended by Berkley).

- ii. This would still allow for lots exceeding 12,500 sf to be created in R-2 through subdivision or consolidation and would allow for existing lots in excess of that size to remain without being designated as nonconforming. However, Building Lot Coverage and Impervious Lot Coverage on these lots would not be allowed to continue to grow in proportion (percentage) to the lot size above what would be allowable on a 12,500 sf lot.

Recommendation

For discussion only July 14.

The Commission held a public hearing on the amendment at its June 27 meeting. No one spoke regarding the amendment, although staff fielded numerous questions related to it in the weeks preceding the hearing. One property owner submitted written comments (attached) in support of the amendment.

Following the hearing, the Commission forwarded the amendment to Council recommending approval.

A public hearing is scheduled for the July 28 Council meeting, at which time Council could take action on the proposal.

Attachments:

ZTA 22-01 – Draft 1 dated 5/11/22

R-2 District Review Report

Morency comments

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If you have any questions or require additional information regarding this report, please do not hesitate to contact Will at (540) 687-5152 or by email at wmoore@middleburgva.gov

AN ORDINANCE TO AMEND ARTICLES II, IX, X AND XI OF THE MIDDLEBURG ZONING ORDINANCE
PERTAINING TO DEFINITIONS OF BUILDING LOT COVERAGE AND IMPERVIOUS LOT COVERAGE AND
ASSOCIATED REGULATIONS THEREOF

ZTA 22-01
Draft 1 - 5/11/22

Note: The following text represents excerpts of the Zoning Ordinance that are 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 II. BASIC DEFINITIONS

Section 17: Definitions of Basic Terms

61. *Lot Coverage, **Building***. The percentage of a lot area occupied or covered by the ground area of principal and accessory buildings or other roofed areas on such lot.

61a. Lot Coverage, Impervious. The percentage of a lot area composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious Lot Coverage includes, but is not limited to: (a) Building Lot Coverage, as defined; (b) unroofed porches, decks, patios and the like; (c) driveways and parking areas; (d) sidewalks and other walkways; (e) any concrete, asphalt, or compacted gravel surface; and (f) other surfaces not composed of living ground cover or live planting areas. Patios, driveways, parking areas, and walkways constructed of pervious pavers, void structured concrete/plastic grid reinforced paving systems or other similar materials may be calculated at 50% of the actual area of coverage when, at the discretion of the Administrator, the materials are properly designed and installed to allow for infiltration of water.

~~83. Percentage of Lot Coverage.~~ The permissible percentage of "lot area" which may be covered by buildings, including covered porches and accessory buildings.

~~83a. Personal Service Business.~~

ARTICLE IX. A-C AGRICULTURAL CONSERVANCY ZONING DISTRICT

Section 105: Lot, Bulk and Open Space Requirements

Section 105.2: Conservancy Subdivision: Lot, Bulk and Open Space Requirements

F. Single-family detached dwellings (other than conservancy lots):

4. **Building** Lot Coverage: 35% **percent** maximum

G. Conservancy Lots.

4. **Building** Lot coverage: ~~Maximum 35%~~ **percent maximum** of building area

Section 105.3: Uses Other Than Conservancy Subdivision: Lot, Bulk and Open Space Requirements

- E. Maximum **Building** Lot Coverage: Agricultural, horticultural and winery uses: 30% **percent**; all other uses: 10% **percent**, except as otherwise specified in this ordinance.

Section 107.2: Additional Standards for Certain Special Exception Uses

- G. Rural Resort
 - 9. Nature and Maximum Size of Use:
 - c. public utility buildings of up to 2,000 gross square feet, which shall be excluded from calculating the Maximum Floor Area Ratio and Maximum **Building** Lot Coverage (below)
 - 12. Maximum **Building** Lot Coverage: 3.55% **percent**, based on gross acreage.

ARTICLE X. RESIDENTIAL ZONING DISTRICTS

PART I. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section 112: Lot Requirements

- D. **Building** Lot coverage: 35 percent maximum

PART II. R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

Section 116: Purpose

This district is designed to accommodate single family detached residential uses in older, established neighborhoods at low densities as designated in the comprehensive plan.

Section 120: Lot Requirements

- A. Minimum Lot Size: 8,000 square feet
- B. Minimum Lot Width: 50 feet at the required minimum front yard line and 40 feet at the front property line
- C. Yard Depth Requirements:
 - 1. Front: 20 feet minimum and 30 feet maximum, except in developed areas where the front yard shall not be less than the smaller of the front yards of the two immediately adjacent buildings or 30 feet maximum.
 - 2. Side: 7.5 feet minimum; 20 feet minimum when adjacent to a street
 - 3. Rear: 30 feet minimum
- D. **Building** Lot coverage: 30 percent maximum, **but in no case to exceed 3,750 square feet**
- E. **Impervious Lot Coverage: 45 percent maximum, but in no case to exceed 5,625 square feet**

Section 121: Building Height

- A. Principal building: 25 feet, except that a building may be erected up to 30 feet in height provided that each minimum side yard is 7.5 feet plus one foot for each additional foot of building height over 25 feet

PART III. R-3 RESIDENTIAL DISTRICT

Section 128: Lot Requirements

- D. **Building** Lot coverage: 50 percent maximum

PART IV. R-4 RESIDENTIAL DISTRICT

Section 137: Lot Requirements

- D. **Building** Lot coverage: 35 percent maximum

ARTICLE XI. COMMERCIAL ZONING DISTRICTS

PART I. C-1 RESTRICTED COMMERCIAL DISTRICT

Section 155: Lot Requirements

- D. Maximum **Building** Lot Coverage: 35 percent

PART II. C-2 TOWN COMMERCIAL DISTRICT

Section 161: Lot Requirements

- D. Maximum **Building** Lot Coverage: 85 percent, maximum **building** lot coverage may exceed 85 percent (up to 100 percent) with a special exception.

PART III. C-3 GENERAL COMMERCIAL DISTRICT

Section 167: Lot Requirements

- D. Maximum **Building** Lot Coverage: 50 percent

PART V. MUV MIXED USE VILLAGE

Section 170.17: MUV Housing Unit Types and Performance Standards

- A. Single family detached houses.
 - 2. Maximum **Building** Lot Coverage: 75 percent ~~maximum~~

Section 170.18: Non-Residential Uses

- D. Maximum **Building** Lot Coverage: 85 percent, maximum **building** lot coverage may exceed 85 percent (up to 100 percent) with a special exception.

April 8,
2022

Town of Middleburg R-2 District Review

Final Report



Project Overview

Middleburg is home to quaint and vibrant historic neighborhoods characterized by predominantly single-family housing units. In recent years, housing demand in Loudoun County and Middleburg's allure as a walkable, historic town has led to increased interest and investment in the Town. This is particularly apparent in the redevelopment and infill within the Town's more moderately dense neighborhoods with R-2 zoning, specifically, the Ridgeview Subdivision, which are not protected by historic district or homeowners' association controls.

In an effort to ensure compatible infill development and redevelopment within the R-2 zoning district, the Town has conducted ongoing reviews of the R-2 zoning district dimensional requirements. Some zoning text amendments have already been adopted, including a reduction of building height and the introduction of a regulation relating allowable height to the dimension of the side yard setback. Along with these changes, the Town is interested in other best practices and interventions that could be implemented within the zoning district.

This report provides an overview of existing conditions in the R-2 zoning district and examines issues faced by the Town due to the nature of new construction on infill lots within mature residential neighborhoods. The report outlines possible interventions derived from thorough research into best practices and benchmarking to address the issues and support the Town's vision.

A brief outline of the report is as follows:

- **Existing conditions** – Outlines existing requirements for the R-2 district, recent amendments enacted by the town to regulate infill development and redevelopment in the R-2 district, and related information from the town's Comprehensive Plan.
- **Defining the issue** – Provides a summary of issues and challenges, such as impacts on community character, environment, and economy, based on consultation with public officials and neighborhood site visit.
- **Best practices research** – Summarizes available best practice documentation to address infill development, setbacks, and teardowns.
- **Benchmarking research** – Provides examples of zoning regulations from other localities that could be beneficial for Middleburg to consider.
- **Recommended interventions** – Offers recommended code enhancements to address infill compatibility in the R-2 district.

Existing Conditions

About the District

The R-2 zoning district accommodates low-density, single-family detached residential uses in older neighborhoods in the Town of Middleburg. The R-2 district comprises the residential neighborhoods of Chinn Lane, Lincoln Road, and the Ridgeview area, among others. The locations of the neighborhoods are shown in Figure 1.

Figure 1: Middleburg Zoning Map Showing R-2 District Neighborhoods

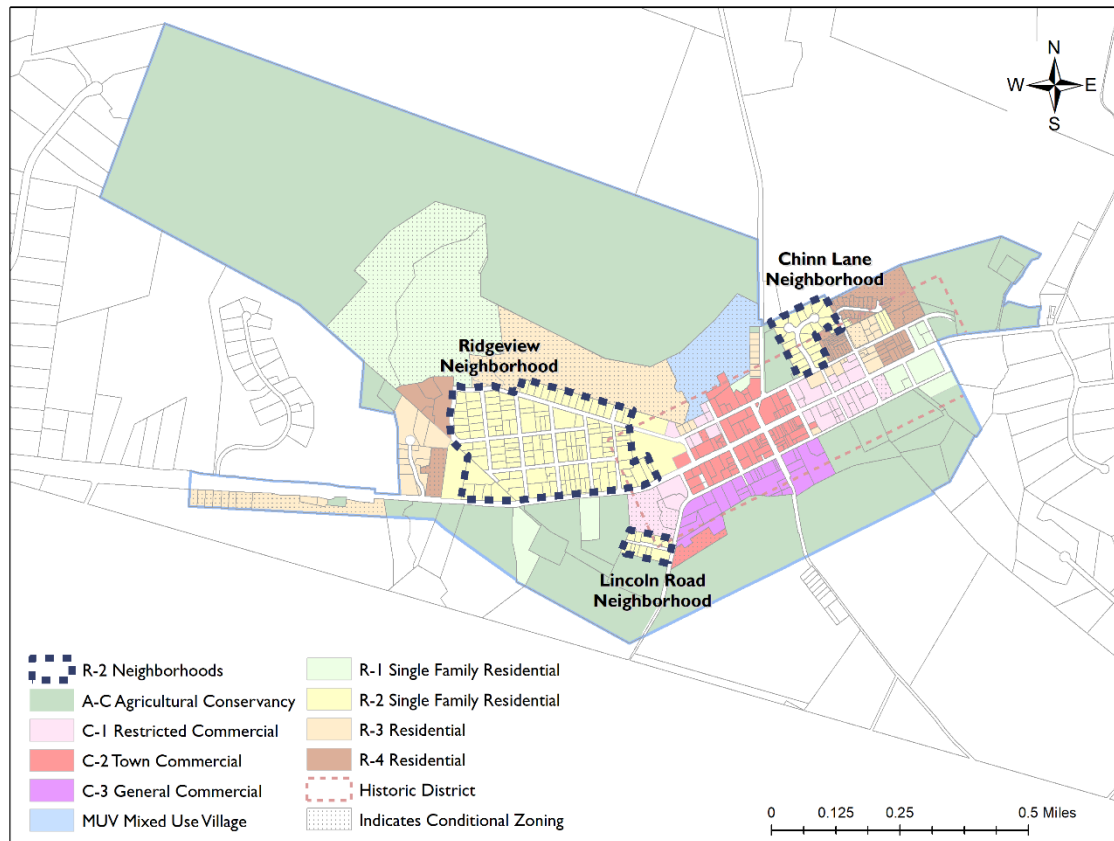


Table I provides the smallest, largest, and average lot sizes in the three neighborhoods zoned R-2, developed based upon GIS analysis.

Table I: Lot Sizes in R-2 District Neighborhoods

Neighborhood	Smallest Lot Size (SF)	Largest Lot Size (SF)	Average Lot Size (SF)
Chinn Lane Neighborhood	9,373	18,363	12,315
Lincoln Road Neighborhood	4,385	23,416	9,601
Ridgeview Neighborhood	2,276	52,219	11,138

Requirements for R-2 District

The uses permitted in the R-2 district include single-family detached dwellings and public parks, along with some accessory and special permit uses. The minimum required lot size in the district is 8,000 square feet and the maximum allowable lot coverage – defined as areas under roof – is 30 percent.

Due to the scale and character of recent residential development in the R-2 district, amendments to the zoning regulations for the R-2 district were adopted in 2021. The amendments sought to address concerns regarding infill development and redevelopment in the district. The amendments adopted were as follows:

- Reducing the baseline building height to 25 feet. Of the example infill homes studied, abutting properties to those examples had dwellings with heights ranging from 18 to 23 feet.
- Allowing for a building height up to 30 feet (the previous baseline height requirement) provided that for each foot in height above 25 feet, an additional foot of minimum side yard on each side must be provided. Stated another way, in order to construct a dwelling with a height of 30 feet, the minimum side yards on each side would need to be increased by 5 feet, from 7.5 feet to 12.5 feet each.

Table 2: R-2 Lot Requirements

	Requirement
Minimum Lot Size	8,000 SF
Minimum Lot Width	50 ft at Front Yard Line; 40 ft at property line
Front Yard Depth	20 ft min; 30 ft max with exceptions based on adjacent properties
Side Yard Depth	7.5 ft; 20 ft adjacent to street
Rear Yard Depth	30 ft
Maximum Lot Coverage	30%
Principal Building Height	25 ft; 30 ft with increased side yard
Accessory Structure Height	15 ft

Town staff also recommended an additional text amendment to establish a maximum lot size of 12,000 square feet in order to prevent, through consolidation, the creation of lots that are significantly larger than those which are typical throughout Ridgeview. That amendment was not adopted.

Comprehensive Plan Assessment

The 2019 Comprehensive Plan (“the Plan”) addresses housing and community character generally but does not direct specific changes to zoning, density, or development requirements. The Plan recommends the need for creating more housing variety to make housing more affordable and appealing for the younger as well as the aging populations. The Plan also expresses the need to address challenges related to older housing such as higher maintenance needs and low energy efficiency. The Plan recommends strategies to enforce applicable laws, including zoning regulations to ensure the maintenance of existing residential units.

Defining the Issue

The Town's housing stock has been undergoing a change for the last several years because of teardowns, infill, and redevelopment. The demolition of single-family homes in Middleburg is fueled by the overall real estate market in Loudon County coupled with maintenance costs for older structures, code violations of older structures, and deteriorating conditions of services and utilities. The scale and character of some of the infill development and redevelopment is a cause of concern for the Town and its residents.

The planning team conducted site visits guided by town staff to document infill and redevelopment in the Ridgeview, Chinn Lane, and Lincoln Road neighborhoods. The planning team then met with town staff and the Planning Commission to discuss in detail their concerns and potential solutions. The issues identified by town staff and the Commission, and observations from the site visit, are described below.

Impacts on Community Character

Building scale, height, and massing

Town staff and the Commission highlighted the need to address issues related to building scale, height, and massing in Middleburg. On many infill sites, the scale of newly constructed structures is significantly greater than that of existing residential units. Concerns were raised about the obstruction of natural light. Also, some structures can be seen pushing the limits of permitted building height in the district. This can be seen on infill sites on Reed Street and elsewhere in Ridgeview. The image on the right shows a picture of newer construction on Chestnut Street which appears to be disproportionately higher than its neighboring units.



Lot coverage

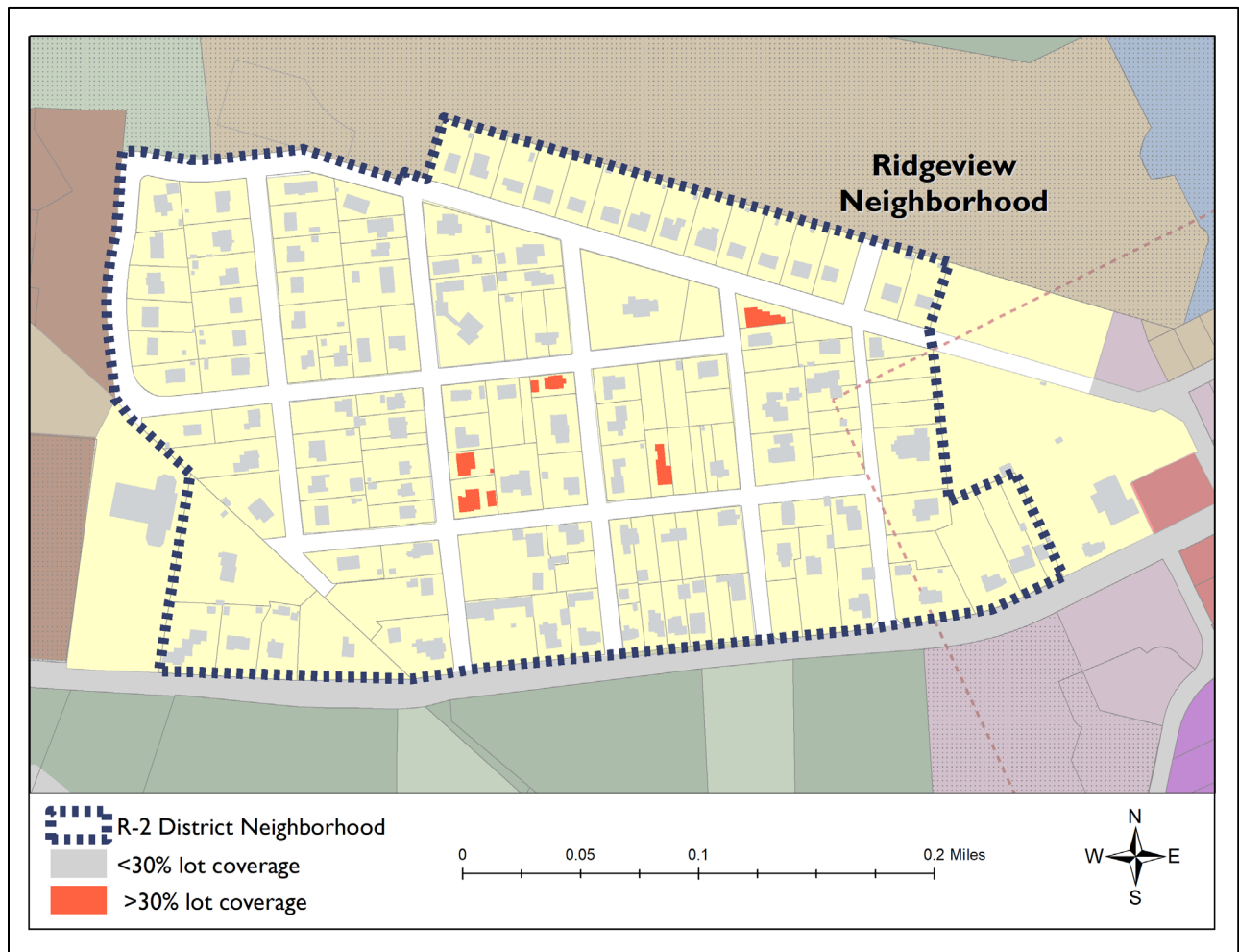
Lot coverage (as currently defined) refers to the percentage of a lot's total area occupied by the footprint of principal and accessory buildings or other roofed areas. The maximum lot coverage permitted in the R-2 district is 30%. In some locations, new residential structures are constructed by combining two lots to create a significantly larger structure compared to the neighboring units. These structures appear out of place and obstruct natural light for the neighboring units. Development typifying this condition can be seen on Martin Avenue.

Table 3: Lot Coverage Based on GIS Analysis

Neighborhood	Minimum Lot Coverage (%)	Maximum Lot Coverage (%)	Average Lot Coverage (%)
Chinn Lane Neighborhood	7	21	14
Lincoln Road Neighborhood	5	27	17
Ridgeview Neighborhood	4	45	17

As part of this report, Berkley Group conducted a lot coverage analysis using readily available GIS data. Based upon GIS analysis, some structures in the Ridgeview neighborhood may exceed the current permissible limit for lot coverage regulations, with lot coverages ranging between 31% and 45% (See figure 2). There were no lots identified in the Chinn Lane or Lincoln Road neighborhoods that exceeded the current permissible lot coverage regulations.

Figure 2: Current Residential Buildings Exceeding Permissible Lot Coverage



Architectural Style

Town staff and the Planning Commission agreed that regulating architecture to a certain era or style is not a primary concern. Existing construction in the R-2 neighborhoods reflects a wide variety of styles, creating a unique and interesting streetscape. With some exceptions, new construction features, materials, rooflines, porches, and other architectural elements are generally compatible with those existing in their respective neighborhoods. In some cases, however, architectural compatibility is compromised, seemingly to achieve maximum buildout due to angled property lines or narrow setbacks. During the site visit, the consultant also noted that perhaps the most conspicuous architectural feature of newer homes is the two-vehicle front-loaded garage provided on some, but not all, newer units.



Environmental Impacts

Stormwater Drainage

The Town's lot coverage regulations do not apply to unroofed surfaces. Therefore, impervious surfaces, such as driveways, pools, and patios, are currently not limited with respect to coverage. As rain falls onto these surfaces, it is unable to infiltrate the ground and instead runs off as stormwater, which can lead to erosion of soils on nearby properties and pollution of nearby surface waters. These issues are common in the subject neighborhoods because they do not have municipal storm sewers to direct, collect, and treat stormwater and are instead served by ditch sections that may not be adequate under today's standards.

Town staff and the Planning Commission highlighted that stormwater management challenges are exacerbated by increased impervious surfaces, which is a characteristic feature of the more recent residential construction. Many such properties have large driveways and/or roadside parking pads. Some communities use maximum impervious surface coverage limits, maximum driveway widths, and/or requirements for on-site capture and infiltration of stormwater to address this issue.

Loss of Mature Trees and Planting

During the site visit, the consultant staff noted inconsistencies in the tree canopy and plantings among the newer units. Some newer construction has maintained large trees and provided supplemental landscaping, which helps to soften the visual impact and preserve the character of the neighborhood. Other newer units provide minimal tree canopy or foundation landscaping, sometimes favoring large impervious coverage as previously noted. Several potential infill sites are wooded with the possibility for significant tree clearing if developed.



Economic Impacts

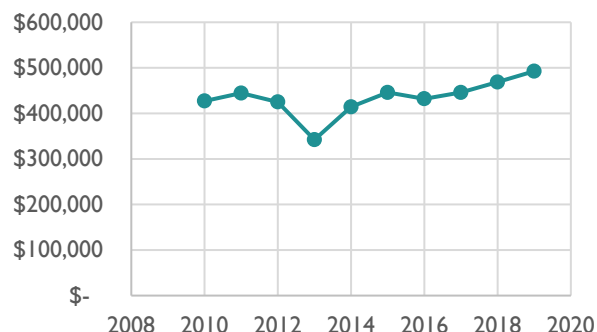
Housing Affordability and Socio-Economic Diversity

Some town representatives expressed concerns about maintaining the socio-economic diversity of residents in the Town and generating a more diverse housing stock to support young people and families that work in the Town.

Some representatives felt that new construction is driving up the property values in Middleburg's neighborhoods making it difficult for people to afford homes in the Town. The increase in median home value in the last six years coincides with the construction of new housing units on infill lots, though it should also be noted that high housing demand and low interest rates during the COVID-19 pandemic have exacerbated housing values across the country.

Other town representatives felt that reducing housing size/value through additional zoning standards will not solve the affordable housing problem. It was suggested that the Town should work with the Windy Hill Foundation to create more affordable housing solutions.

Figure 3: Median Home Value of Owner-Occupied Housing Units



Source: ACS 5-Year Estimates 2010-2019



Loudoun County's Growing Housing Market

The housing market of Loudoun County is one of the fastest growing in the nation. The proximity of the County to major urban centers (Washington DC, Baltimore) and availability of job opportunities through major employers in the area (Amazon, Verizon, Loudoun County Public Schools, etc.) has resulted in significant population growth. The County experienced a 15% increase in median home value between 2014 and 2019.

Best Practices Research

The following best practices research examines current approaches for addressing identified issues related to teardowns, infill, and redevelopment. The research included an extensive review of various planning publications with the most relevant summarized below.

Chicago Metropolitan Agency for Planning (CMAP) – Teardown Strategy Report, June 2008

Overview

The report defines teardowns as one-to-one replacements of housing stock – essentially, tearing down an existing house and constructing another larger house in its place. The report summarizes issues and challenges expressed by municipal officials as part of a study conducted in the Chicago Metropolitan Area for this report. The key takeaways from interview responses are summarized below.

Impacts of Teardowns

The report summarizes the effects of teardowns on community character, economic costs, environment, and housing/income mix.

- **Community Character:**
The document reports alteration of community character as the most conspicuous effect of teardowns with the most commonly identified attribute as housing size. According to the report, “today, people prefer spacious structures built out to the extent of the zoning code as opposed to the traditional single-family units with large, scenic yards.” Other impacts of teardowns include the demolition of mature trees and plantings.
- **Economic Costs:**
Teardowns can lead to a reduction of affordable housing in a neighborhood, thus, decreasing the socio-economic diversity. Other economic costs associated with teardowns include the cost of demolition itself in communities where rehab of older buildings is a more financially feasible option. Conversely, teardowns can reduce development pressure in greenfield areas by encouraging infill development.
- **Environment:**
According to some interview respondents, teardowns significantly impact stormwater, landfill space, noise, and embodied energy. The issues related to poor stormwater drainage are exacerbated as new larger homes replace smaller older homes, thus, increasing the amount of impervious surface on the lot. Another study found that, during replacement, developers usually do not excavate as far as the previous buildings, creating steeper grades around the edge of the teardown property resulting in flooding on nearby units. Other environmental impacts include noise, wasted embodied energy (embodied energy refers to the energy consumed by all the processes associated with building production), and natural resource depletion.

Regulatory Changes/ Strategies to Address Teardowns

Some strategies from the report that can help address the issues identified in Middleburg are summarized below.

- Floor area ratio (FAR) and setback regulations along with guidelines for building materials and architectural styles can result in making teardown redevelopment compatible with existing properties. Interview respondents deemed redevelopment guidelines the most effective strategy

in regulating teardowns. As part of the regulations, developers can be asked to undergo a series of public hearings and design/ architectural board review meetings.¹

- Municipalities can intervene during the permitting process by conducting a permitting review, thus, lengthening the process of submitting, approving, and processing a teardown request. This lengthening can give municipalities time to properly review teardown applications, proposed design layouts, and impacts of new construction on the community.
- Municipalities can address stormwater with regulations such as maximum permissible percentage of impervious surfaces on lots, strict setback requirements, maximum yard slopes, restrictions on altering topography, site plan submittal requirements including a stormwater management plan, and maintenance of adequate overflow routes.
- A new classification of “renovation zoning” to restrict the size of redevelopment projects. This strategy is proposed by Preservation Chicago to “encourage preservation and renovation of existing housing in neighborhoods that value their older buildings but do not meet the standards necessary to qualify as a Historic District.” More about this policy can be found here: <http://www.preservationchicago.org/policy/renovation.html>.
- Municipalities with a distinct historic character can propose Neighborhood Conservation Overlay Districts for certain areas. This typically allows for regulatory review of characteristics of the neighborhood that the community desires to be preserved but is usually less burdensome than a Historic District.
- Municipalities can mitigate the environmental impacts of teardowns by making changes in the demolition process and pushing for recycling and reuse of materials from a teardown.

APA – Planning Advisory Service (PAS), Report Number 528, December 2004

Too Big, Boring, or Ugly: Planning and Design Tools to Combat Monotony, the Too-big House, and Teardowns

Overview

This report examines the change in the character of residential neighborhoods due to the disproportionate increase in the size of housing units as compared to the lot size creating a more crowded environment in urban areas. The report presents the issues faced because of teardowns and construction of large houses, referred to as the “too-big houses”. The construction of significantly larger houses in comparison to the neighboring units in older residential areas can potentially destroy the character of the neighborhood. The PAS report defines problems related to mass teardowns, too-big houses, and monotony and presents code language to address these issues through several case studies.

The ‘Too-big’ House

The report coins the term ‘too-big’ house for McMansions. The average size of housing units has been increasing since the late 1940s and early 1950s. The increase in the size of housing units in older residential neighborhoods significantly alters the community character. The construction of the ‘too-big’ house makes neighborhoods more desirable, thus, driving up the housing values and increasing competition for housing in older neighborhoods where existing older homes have smaller rooms and limited storage capacity. This leads to more teardowns in existing neighborhoods to make space for larger housing units.

¹ While most Virginia localities do not have authority to control architecture outside of designated local historic districts, Middleburg’s charter allows the creation of architectural control districts through approval of an ordinance by Town Council.

Teardowns

The report defines teardowns as a special case of the too-big house. Teardowns tend to occur more often in older, desirable, and scenic neighborhoods. They can potentially impact the character of existing older neighborhoods and cause issues related to housing affordability in the community. Economic concerns related to teardowns include a dramatic increase in land value and property tax, and economic burden on current residents due to increased costs. Redevelopment, if not regulated, on teardown lots can lead to mass gentrification and compatibility concerns.

Regulatory Changes/ Strategies to Address Teardowns

Some strategies from the report that can help address the issues identified in Middleburg are summarized below.

- Planners can look for gaps between house size and zoning district regulations for neighborhoods. This can be done by comparing the average housing unit size and footprint with the building pad defined by the setbacks.
- Setback size can be reduced to allow only modest expansion of the building in neighborhoods that are likely to have teardowns. Also, regulating the accessory structures that can be built on the setbacks.
- Dramatic changes in building height due to redevelopment can negatively impact the community's character. The Floor Area Ratio (FAR) is a tool to regulate building height by calculating the maximum floor area and comparing it to the average buildings in the block. Using FAR as a regulatory tool is more beneficial in neighborhoods with a varied mix of housing types (e.g., townhomes and single-family). While using FAR, it is crucial to consider height as FAR does not distinguish between ground-floor and upper-floor expansion.
- Strict landscaping regulations can be imposed to preserve front yard vegetation.
- A minimum Landscape Volume Ratio (LVR) can be set to avoid the loss of mature vegetation which exacerbates the loss of character because of a teardown. This is especially important in older residential communities where streets are more likely to be lined with mature trees and landscaping.
- A minimum standard for Site Volume Ratio (SVR) can be set to introduce flexibility to preserve existing trees and plant new trees with more volume.
- Overlay districts, such as Neighborhood Conservation Overlay Districts, can help to protect the character of the neighborhood.

How to calculate FAR, LVR and SVR

FAR – The Floor Area Ratio (FAR) is a measure of the total amount of usable floor area a building is permitted to have.

$$FAR = \frac{\text{Total Building Floor Area}}{\text{Gross Lot Area}}$$

LVR – The Landscape Volume Ratio (LVR) measures the soft vegetative volume which includes the number of mature trees and landscaping on the lot. LVR is calculated by dividing Landscape Volume (LV) by 10 and dividing again by the area of the lot. LV is volume of landscape planted or existing on the site.

$$LVR = \frac{(LV/10)}{\text{Gross Lot Area}}$$

SVR – The Site Volume Ratio (SVR) is calculated by subtracting Building Volume Ratio (BVR) from LVR. A positive SVR indicates greater landscape volume than building volume and vice-versa. This tool creates a measure of existing community character by accounting for both buildings and existing tree and landscape cover.

$$SVR = LVR - BVR$$

* BVR is calculated by dividing Building Volume (BV) by 10 and dividing again by the area of the lot. LV is volume of landscape planted or existing on the site.

$$BVR = \frac{(BV/10)}{\text{Gross Lot Area}}$$

APA – Zoning Practice, Issue Number 6, June 2021 Practice Setbacks

Overview

This article explores the purpose of the setback in spatial planning and zoning ordinances. The report includes a brief history of setbacks, examines the key factors to consider when altering setbacks, and presents a case study of West Philadelphia, PA.

Setbacks and Infill

Setbacks significantly impact the microclimate. Single-family neighborhoods can benefit from smaller setbacks allowing space for porches, trees, and other sound mitigating features. Pleasant sounds from nature, such as water sounds, birds chirping, etc., were found to have positive impacts on mental health. Setbacks play an important role in ensuring that a unit receives adequate natural light, reducing urban heat islands, and ensuring adequate flow of wind and air.

Regulatory Changes/ Factors to Consider When Altering Setbacks

Some strategies from the report that can help address the issues identified in Middleburg are summarized below.

- The setback size depends on the parcel location and city context. The setback size and design should take into account soil, water, wind/air, heat, sunlight, climate, roadway type, density, and use of the property to avoid any negative impacts on the microclimate.
- Consider holistic ecological inventories (including soil, water, air/wind, heat, sunlight, climate, roadway type, density, and use of property) before drafting and amending codes.
- Create localized setback regulations using overlay districts in addition to base zoning regulations.

APA – Zoning Practice, Issue Number 4, April 2019

Practice Infill Housing

Overview

The report summarizes planning and zoning code revisions made by cities to promote housing in single-family districts through infill development. The report presents a case of small-scale infill in a single-family zoning district in Portland, Oregon. The proposed ordinance allows more multifamily housing while controlling building scale, height, and floor area. The report also highlights strategies to meet the demand for affordable housing in low-density residential neighborhoods.

‘Missing Middle’ Housing

Missing Middle housing refers to a range of multi-unit housing types compatible in scale with low-density neighborhoods that are specifically designed to meet the demand of affordable housing in the community. These can include townhouses, small apartment buildings, courtyard buildings, and attached and detached cottages.

Regulatory Changes/ Strategies for Infill Development

Some strategies from the report that can help address the issues identified in Middleburg are summarized below.

- Small lot subdivisions for infill development in areas with existing small lot development to promote context-specific infill development and address housing affordability issues. To achieve the goals of this strategy, introduce specific design standards to minimize potential conflicts with existing neighbors.

APA – Zoning Practice, Issue Number 7, July 2009

Practice Design Review

Overview

The article examines issues associated with architectural review standards and offers recommendations to improve these standards. The article presents a case of a community in South Florida that conducts 100 architectural reviews per year. Developing architectural review standards is important for a community that desires to limit the acceptable architectural styles and materials or establish a minimum quality for building materials.

Regulatory Changes/ Strategies for Architectural Review Standards

Some strategies from the report that can help address the issues identified in Middleburg are summarized below. Note: these would apply if the Town considers developing an architectural control overlay district, but is more applicable to the Town’s historic overlay district.

- Create a catalog of photographs and narratives illustrating styles, elements, materials, massing, detailing, and facades that are acceptable to the community.

- The architectural review criteria should provide clear guidance to property owners and architects and allow a wide range of architectural solutions to a single problem.
- Architectural review decisions should present sufficiently relevant evidence to establish the architectural review criteria as architectural review decisions are considered quasi-judicial actions by the courts.
- Provide adequate training to board members about the nature of their roles in quasi-judicial hearings and decision-making based on substantial facts.

National Trust for Historic Preservation, 2018

Neighborhood Conservation Overlay Districts: Planning and Administrative Best Practices

Overview

A Neighborhood Conservation Overlay District (NCOD) is a zoning tool used to preserve, revitalize, or enhance significant mature neighborhoods beyond what is specified in the standard zoning code. This report lays out two approaches to NCOD: 1) a historic preservation approach designed to protect physical features of a neighborhood that share common architectural features or period details; or 2) a neighborhood zoning-planning model designed to address zoning regulations such as lot size, square footage, setbacks, and uses.

NCOD regulations apply in the specified area in addition to the standard zoning regulations. These regulations can be applied in older residential areas to preserve the charm, character, architectural style of the area. NCOD differs from Historic Districts in the sense that they regulate fewer features and/or are catered more towards features such as lot size, building height, setbacks, streetscapes, and tree protection. These regulations are included as a design standard for the neighborhood and are enforced within either a zoning overlay or a neighborhood plan.

The report assesses the details of NCODs in six cities to demonstrate the range of models in use. Examples include: Raleigh, NC; Indianapolis, IN; Cleveland, OH; New Orleans, LA; Milwaukee, WI; and Baltimore, MD. It also includes charts and information for numerous NCOD programs nationwide.

Regulatory Changes/ Strategies for NCOD

The report finds NCODs to be an effective tool to protect unique neighborhoods. Common threads in successful programs include:

- Making sure NCDs offer a clear alternative to stricter forms of historic preservation regulation;
- Developing guidelines with neighborhood participation and acceptance;
- Providing streamlined, flexible review process that is user-friendly; and
- Ensuring predictability of outcomes through consistent application and enforcement.

Note: This report does not detail Virginia NCOD examples. Some notable examples of NCODs in Virginia include Roanoke, Richmond, Charlottesville, and Lexington. Roanoke, Richmond, and Charlottesville have specific provisions in their charters to authorize design review overlay districts.

Benchmarking Research

Towns and cities across Virginia have adopted various zoning and overlay provisions to conserve the charm and character of their unique residential neighborhoods. This section presents information resulting from a survey of benchmark localities throughout the country, with a focus on Virginia towns and cities. In conducting this analysis, the Berkley Group reviewed each benchmark locality's zoning ordinance for provisions relating to residential design and development standards for general applicability to

Middleburg's R-2 zoning district. The results of the benchmarking research are categorized into two subsections:

- 1) General zoning interventions, such as building design, lot coverage, parking, and landscaping; and
- 2) Neighborhood design/conservation districts, which generally focus on neighborhood architectural character and style.

General Zoning Interventions

Town of Ashland, VA

Residential Structure Regulations & Driveway Standards

- Development standards:
 - Residential zoning district standards provide basic design requirements for:
 - Window percentage of front façade (minimum 15%)
 - Location of street entrance
 - Garage location (recessed from primary façade by at least 5 feet)
 - Consistent and quality exterior materials
 - Parking standards include maximum pavement coverage for front yard
 - No more than 30% of the front yard area (of a lot occupied by a detached single-family dwelling or duplex) may be paved, unless a zoning administrator modification is approved
 - Other standards
 - Prohibition on pools and pool decks in required front and side yards
- Link: [District Standards](#)

Town of Blacksburg, VA

Lot Coverage and Driveway Standards

- Development standards:
 - Lot coverage includes impervious surfaces, such as parking, with maximum ranges from 45% to 55%, depending on the district
 - Floor area ratio ranges from 0.3-0.5, depending on the district
 - R-4 district includes maximum driveway width in the front yard: 18 feet on lots less than 50 feet wide; 20 feet on lots 50+ feet wide
 - R-5 and OTR districts subject to Historic or Design Review Overlay districts include parking design criteria requiring parking to be located behind the principal structure and maximum driveway width of 12 feet where visible from the street; Property owners may apply for a conditional use permit if design criteria cannot be met
- Link: [District Standards](#); [Parking Requirements](#)

City of Falls Church, VA

Lot Coverage; Parking/Driveway Standards; Setbacks

- Development standards:
 - Maximum lot coverage for buildings: 25%
 - Maximum impervious lot coverage: 35%, with 25% reduction allowed for use of pervious materials
 - Parking maximum: no more than four vehicles on any one property

- Prohibition on paving the front yard except for a paved driveway not to exceed 14 feet in width
- Landscaping requirements include 20% tree canopy for any residential development or redevelopment that disturbs 2,500+ square feet
- Height, Lot, and Yard requirements provide setback exception for front yards to ensure compatibility with adjacent buildings
- Link: [District Standards](#); [Parking Standards](#); [Landscaping](#); [Setback Exceptions](#)

Town of Herndon, VA

Lot Coverage and Driveway Standards

- Development standards:
 - Maximum lot coverage for buildings: 25%
 - Maximum impervious surface coverage, including buildings: 50%
 - Maximum paved parking area: 35% of front yard
 - Minimum landscaping requirements: 4 canopy trees, 3 evergreen trees, and at least 12 shrubs per dwelling unit
- Link: [District Standards](#)

City of Manassas, VA

Driveway and Landscaping Standards

- Provides maximum requirements for driveways; does not apply to patios, pools, or other impervious areas
- Development standards:
 - Maximum driveway width based on lot frontage with option for zoning administrator modification with notification to adjacent property owners
 - 25 feet for 100+ feet of frontage; 20 feet for 60-99 feet of frontage; 15 feet for 30-59 feet of frontage; zoning administrator modification for lots with frontage less than 30 feet
 - Maximum of one side yard may contain off-street parking or driveways
 - Maximum of 20% of total lot area may be used for off-street parking or driveways
- Minimum 20% tree canopy required for single-family residential districts
- Link: [Parking and Loading Requirements ; Tree Canopy Requirements](#)

Town of Leesburg, VA

Open Space and Garage / Pool Setbacks

- Development standards:
 - Minimum open space requirements apply in three zoning districts (R-8, R-16, and R-22). R-8 (Medium Density Attached Residential with the intent to accommodate single-family attached, detached, and duplex development) would be most applicable; R-8 includes a minimum of 25% of gross site acreage shall be maintained as open space
 - Garages setbacks are generally 5 feet greater than principal building setback
 - Swimming pool setback requirements – Pool deck may extend into side or rear yard up to 3 feet from property line; pool may extend into side or rear yard up to 6 feet from property line
 - Setback requirements also apply for decks and patios
 - Tree canopy requirements apply to single-family development

- Link: [Zoning Ordinance](#)

Town of Vienna, VA

Lot Coverage Standards

- Development standards:
 - Single-family zoning districts provide that not more than 25 percent of a lot shall be covered by buildings, accessory buildings, automobile parking spaces and access, sport courts, tennis courts, patios and terraces
 - An accessory building may occupy not more than 30 percent of the area of a required rear yard
 - Decks, as regulated in section 18-169, may not cover more than five percent of the total area of a lot
 - Swimming pool / hot tub setback requirements – Not closer than 20 feet to any alley line, and not less than ten feet from any side or rear lot line
- Link: [District Standards](#)

Town of Warrenton, VA

Lot Coverage Standards and Garage Standards

- The R-6 district appears most applicable and includes small lot single-family (minimum 6,000 square feet lot size; 20-foot front and rear setback; 8 feet side setback; 35-foot maximum height, which may be increased up to 45 feet with additional setback)
- Development standards:
 - R-6 district provides 65% maximum lot coverage for all impervious surfaces, including buildings
 - R-6 district requires location requirements for garages
 - Front loading: recessed 15 feet from front building façade
 - Side loading: at or behind the building façade of the primary structure
 - Rear loading: setback at least 15 feet from rear lot line
- Link: [District Standards](#)

City of Winchester, VA

Driveway Standards

- Development standards:
 - Driveways in front yards shall not exceed 20 feet in width for the first ten feet adjacent to the front lot line and shall not encumber more than 35 percent of the front yard, except that any single-family lot may, at a minimum, provide a nine-foot wide by 20-foot long off-street parking area in the front yard
- Link: [Parking Requirements](#)

Neighborhood Design / Review Districts – Virginia Localities

City of Charlottesville, VA

Historic Conservation Overlay District

- The City of Charlottesville has established historic conservation districts for three neighborhoods. Within each district, specific structures have been identified as contributing. The zoning ordinance identifies specific actions requiring ARB approval through a certificate of appropriateness, including

new construction, additions meeting certain criteria, and demolitions meeting certain criteria. Administrative review is required for fences and minor accessory buildings/additions. The City Council has also adopted a brief set of design guidelines to aid in ARB review.

- Development standards:
 - General standards are provided for building location, scale, form (roofs and porches), materials and texture, prohibition on painting unpainted brick or masonry, and fences
 - A brief set of specific standards are provided for each neighborhood, ranging from 3 to 9 criteria
- Link: [Zoning Ordinance](#); [Design Guidelines](#)

City of Fairfax, VA

Lot Coverage; Architectural Control Overlay District (ACOD)

- ACOD Applies city-wide
- Development standards:
 - District standards (Sec. 3.6.1) provide both building and lot coverage maximum requirements
 - Lot coverage is defined as all impervious surface areas, covered and uncovered
- Design Guidelines for new construction in ACOD
 - Building form and articulation
 - Use forms in new construction that relate to those of existing neighboring buildings
 - Residential buildings should use form and articulation techniques to reduce their mass such as dividing the facades and other visible elevations into smaller bays, varying roof heights, and varying planes of bays
 - Landscaping
 - Use appropriate plant materials
 - Use landscape edges such as a row of street trees
 - The design guidelines provide a plan list

Link: [Zoning Ordinance \(fairfaxva.gov\)](#); [City of Fairfax Design Guidelines – Frazier Associates](#)

City of Lexington, VA

Residential Historic Neighborhood Conservation Overlay District

- Lexington's neighborhood conservation district provides limited review by the ARB of projects consisting of demolition or construction of a main building or accessory building. Specific design standards are not provided; however, the ordinance allows the ARB to consider such architectural elements as: design, form and style, including the height, mass, proportion and scale; architectural details, such as the design and style of decorative or functional fixtures, such as lighting, windows and doors; the design and arrangement of buildings on the site; and the texture and materials of a proposal.
- Link: [Article IX. Residential Historic Neighborhood Conservation District](#)

City of Roanoke, VA

Neighborhood Design Overlay District

- In 2002, Roanoke City Council approved Design Standards and implemented the first Neighborhood Design District in the Melrose Rugby neighborhood. In 2005, the district was expanded to all or part of 15 additional neighborhoods surrounding Downtown. The Design

Standards consist of a short set of guidelines based on common design elements without specifying a standard architectural style. Specific standards are codified in the zoning ordinance as part of an overlay district. Applicants certify that work on properties within the district comply with the district standards through an affidavit process.

- Development standards include a variety of design characteristics guiding:
 - Building location and massing based on the block average and adjacent lots
 - Roof requirements such as pitch, gables, and overhangs
 - Door and window requirements
 - Sidewalk requirements
 - Siding and trim requirements
 - Porch requirements
 - Garage and addition requirements
- Link: [Zoning Overlay District](#); [Design Standards](#)

Examples from Non-Virginia Localities

Town of Nags Head, NC

Large Residential Dwelling Design Standards

- *Dwelling, large residential* is a defined use that is subject to supplemental performance standards.
 - *Dwelling, large residential* – a single-family dwelling or two-family dwelling (duplex) that has 3,500 or more square feet of enclosed habitable living space
- The performance standards include:
 - Minimum lot area of 16,000 or 24,000 square feet, depending upon the zoning district
 - Maximum habitable living space of 5,000 or 4,200 square feet, depending upon the zoning district
 - Minimum side yard of 14 feet, with opportunity to decrease if property owner elects to follow voluntary Residential Design Guidelines
 - Maximum building height of 35 feet, with opportunity to increase to 42 feet if property owner elects to follow voluntary Residential Design Guidelines
 - Preservation of 10% of the lots total area with existing natural vegetation, and planting of a minimum of 15% of the lots total area
- The voluntary Residential Design Guidelines applies a point-system approach to various design elements, which may be applied in any combination at the discretion of the applicant to achieve the minimum score for eligibility for the incentives outlined above.
- Link: [Residential Design Manual](#)

City of Raleigh, NC

Neighborhood Conservation District

- Development standards: The development standards are different for different neighborhoods within the overlay district. The regulations include:
 - Minimum net area for dwelling units
 - Minimum lot size
 - Maximum lot size
 - Maximum residential density
 - Setbacks
 - Height
 - Vehicular surface areas

- Lot width
- Building entrances
- Building placement on the lot
- Distances between buildings
- Link: [Unified Development Ordinance, 16th Supplement, December 2021 \(cld.bz\)](#)

City of Richmond, CA

Neighborhood Conservation Overlay

- The purpose of the district is to “provide the revitalization or conservation of older residential areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement.”
- Development standards:
 - Maximum residential density, setbacks, and maximum height
 - Applies to all additions, changes, expansions, and alterations to existing structures in the overlay district
- Link: [ARTICLE 15.04.305 – Neighborhood Conservation Overlay District](#)

City of Rockville, MD

Lincoln Park Neighborhood Conservation District Plan and Development Standards

- Identified need to retain lot size and shape of the lots in this historically minority neighborhood
- Development standards:
 - Standards for new construction
 - Lot coverage – 25% of the maximum square footage of smallest new lot size permitted, 6,000 square feet; The combined lot coverage (1,500 square feet) will include house footprint and any detached accessory structure
 - Maximum height – 25 feet, 29 feet permitted using a graduated 45-degree slope
 - Minimum front setback – 25 feet
 - Façade should match the surrounding buildings in case of infill
 - Roof heights of new additions should not dominate original rooflines
 - Selection of similar materials and design elements for new construction
 - Lot coverage standards for additions to existing one-story homes
 - If an existing one-story house is retained, an addition to bring total lot coverage up to 35% of the smallest lot size available or to 2,100 square feet is permitted. However, the total of the addition cannot exceed the present total square footage of the house without obtaining a new single-family dwelling permit.
 - Streets
 - New streets and private access driveways are not permitted
 - Cul de sacs accessing structures set back from the main roads are not permitted
 - The following lot changes are not permitted:
 - Assemblage of separate lots for new development
 - Resubdivision of existing lots
 - Pipestem lots
 - Demolition
 - Evaluation of any structure 50 years or older before demolition
- Link: [LPconservationPIAdopted22607 .doc \(rockvillemd.gov\)](#)

Town of Wellesley, MA

Large House Review

- Ordinance requires a review process requiring board approval for the construction and major additions to homes exceeding the following size thresholds:
 - 3,600 square feet in residential districts requiring 10,000 square feet lot size
 - 4,300 square feet in residential districts requiring 15,000 square feet lot size
 - 5,900 square feet in residential districts requiring 20,000 square feet lot size
 - 7,200 square feet in residential districts requiring 30,000 and 40,000 square feet lot size
- Standards for review include: preservation of landscape, scale of buildings, lighting, open space, drainage, and circulation. There is no maximum limit on house size, but the review is intended to mitigate impacts associated with larger homes.
- Design criteria are provided in a Design Guidelines Handbook adopted by the Design Review Board.
- Link: [Large House Review Standards](#)

Additional zoning requirements are recommended to improve neighborhood compatibility and reduce negative impacts associated with infill and redevelopment in Middleburg's R-2 zoning district. Three levels of interventions are offered for consideration by the Town. The Town may consider phasing these interventions or adopting any combination thereof.

- Architecture was not the primary concern raised from town representatives; therefore, recommendations are focused on development and site features, while allowing flexibility in architectural design.
- The most basic and common zoning requirements noted in best practices research – height and setbacks – have been recently modified to address building scale and massing.
- Given the limited capacity of the Town’s zoning staff, more complex regulations identified through best practices research – floor area ratio and landscape volume ratio – are not recommended at this time. Additionally, only one of the benchmark communities is currently utilizing floor area ratio requirements and none are utilizing landscape volume ratio.

The proposed level I intervention is recommended as the minimum intervention necessary to limit impervious surfaces to reduce potential impacts related to stormwater and community character. To achieve this, we recommend maintaining the current lot coverage for buildings (30%) and adding a maximum impervious lot coverage requirement for buildings and surfaces.

This intervention is consistent with the benchmark communities, all of which regulated impervious surfaces or driveways in some manner. Among the communities surveyed, maximum impervious coverage ranged from 25% to 75%. The proposed percentage (45%) could be increased, decreased, or adjusted with an incentive for use of pervious materials. If vehicle parking is also a major concern, a maximum front driveway width or percentage could also be added.

[illegible]

Level 2: Additional Development Requirements

Level 2 interventions propose additional development requirements in the R-2 neighborhoods beyond limiting impervious coverage. These include:

- Establishing a maximum lot size (such as 12,500 square feet) to limit boundary line adjustments or lot consolidations to create larger buildings out of character with existing homes;
- Reducing lot coverage for buildings to 25%, which is based on the benchmark from Falls Church and Herndon and is greater than the average building coverage in the existing R-2 neighborhoods (17%); and,
- Adding a minimum tree canopy or landscaping requirement to maintain the established character of the neighborhood and support the Town's stormwater management goals.

Level 3: Architectural Design Standards

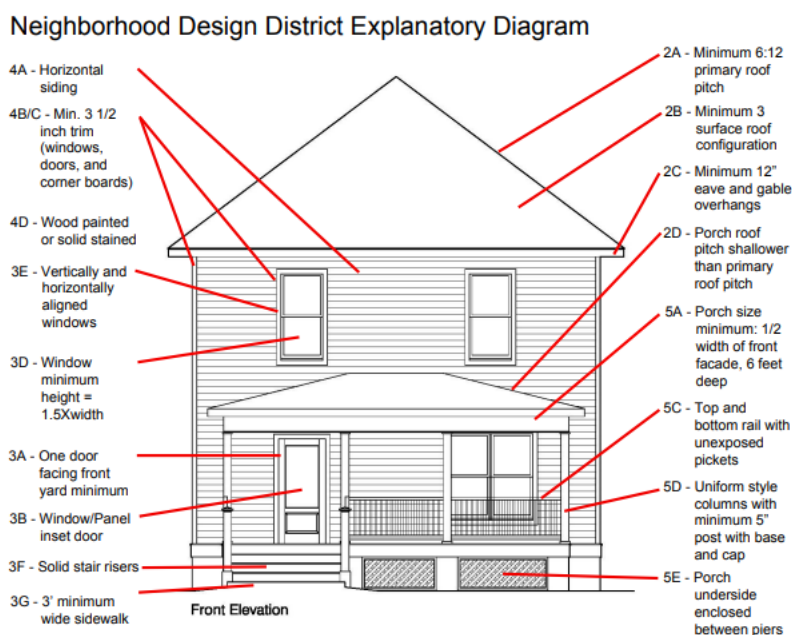
The level 3 intervention would provide standards for building design by adopting an architectural design district, as permitted under the Town's charter.

Given the variability in architecture in the existing R-2 neighborhoods, minimal standards, like those provided in Ashland's zoning ordinance, may provide sufficient regulation to meet the Town's needs. If more detailed standards are desired, a contextual evaluation of the neighborhood would be advisable. The Town could also consider applying standards only to large dwellings, following Nags Head's example.

Depending upon the desired approach, certain architectural design review could be conducted administratively so as not to require additional administrative burden on property owners and appointed bodies. Roanoke provides an example of this approach, in which the applicant certifies by affidavit as part of the permitting process that work will be completed according to the design standards contained within the zoning ordinance. Alternatively, design review by the Architectural Review Board or Planning Commission could be triggered at certain size thresholds, as provided in the Wellesley example.

An advantage of the level 3 approach is that an architectural design district would provide a mechanism to review demolition requests, helping to curb potential negative impacts of teardown and redevelopment within established neighborhoods. In the last five years, there have been three teardowns in the R-2 district, with one occurring in the last six months. If the Town desires to protect against further teardowns, requiring review by the Architectural Review Board or Planning Commission is advisable.

Figure 5. Common Building Elements Regulated Through Roanoke's Neighborhood Design District



Conclusion & Next Steps

The recommended interventions in this report provide a menu of options for the Planning Commission and Town Council to consider to preserve the character of Middleburg's R-2 zoning district. It is important to recognize that no single intervention is likely to solve all of the identified issues.

During the Planning Commission meeting on March 28, the Berkley Group presented the information in this report and led a discussion on the recommended ordinance changes. The comments from the Planning Commission and staff were incorporated into this final report. The Planning Commission was supportive of the level 1 intervention (maximum impervious lot coverage requirement) recommended in this report. The draft language for this intervention, see Appendix, will be discussed further in subsequent meetings, and the percentages can be refined as directed by the Commission.

Some Planning Commission members also expressed interest in considering the first recommendation (establishing a maximum lot size) provided as a level 2 interventions. One advantage noted was that limiting maximum lot size to prevent consolidations will not only protect community character, but will also prevent a reduction in Middleburg's overall housing stock – meaning that more families will be able to live in the Town. Some members noted that they do not support the level 2 interventions at this time and would prefer to consider incremental changes, starting with the level 1 intervention and other previously-adopted interventions. No members of the Commission expressed interest in implementing level 3 interventions at this time.

The next steps will include a formal review and amendment of the ordinance through the public hearing process. Planning Commission will review the draft text, conduct a public hearing, and refer its recommendation to Town Council for consideration, public hearing, and adoption.

Appendix – Example Code Language

Level 1: Impervious Coverage

Example Lot Coverage Standard (adapted from Town of Herndon and Town of Falls Church)

All buildings, including accessory structures, shall not cover in the aggregate more than [30] percent of the lot area and, together with all vehicular parking areas, loading areas and driveways, walks, patios, and other impervious surfaces, shall not cover in the aggregate more than [35-65] percent of the lot area.

Optional incentive for pervious materials:

For the purpose of calculating impervious lot coverage, uncovered driveways, walks, and patios using pervious materials shall be reduced by up to 25 percent of the entire pervious surface area.

Example Driveway Standard (Town of Falls Church)

No front yard of any single-family detached residence or townhouse shall be paved wholly or partially, except for a paved driveway not to exceed [14-20] feet in width. This subsection shall not be interpreted to prohibit circular driveways or other driveway patterns which are designed to provide access to private garages and/or doorways.

Level 2: Additional Development Requirements

Example Landscaping Standard (adapted from Town of Herndon²)

Required site landscaping shall be for all development in the amount identified below:

- Single-family detached dwelling, two-family dwelling, group home, or quadruplex: 4 canopy trees, 3 evergreen trees, and at least 12 shrubs per dwelling unit

Example Tree Canopy Standard (Town of Falls Church)

Sec. 48-1180. Tree canopy coverage required for single-family residential development.

- (a) It is the intent of this section to regulate existing and replacement trees and/or shrubs to provide tree canopy coverage on developing and/or redeveloping residential lots zoned R1-A, low density residential and R1-B, medium density residential.
- (b) Trees designated by the city as historic, specimen, street, park, memorial and other public trees shall be regulated pursuant to chapter 44, article II, pertaining to trees and shrubs.
- (c) All developments, redevelopments, and/or land disturbing activities that are located in R1-A and R1-B zones that will disturb greater than or equal to 2,500 square feet of land shall provide for the preservation and/or planting of trees on the lot to the extent that, at a maturity of ten years³, the minimum lot coverage of the tree canopy shall be 20 percent.
- (d) Tree canopy coverage includes all areas within a lot's property lines beneath the dripline of vegetation. Calculation of the tree canopy coverage shall be the sum total of the existing vegetation and replacement vegetation.

² Herndon's landscaping requirements include standards for numerous uses in tabular format.

³ The Code of Virginia defines tree canopy in terms of 20-year maturity. When considering this example code, the Berkley Group recommends ensuring conformance with § 15.2-961.1.

- (1) Preserved tree canopy coverage vegetation shall include the dripline beneath trees that measure no less than two inches in diameter at breast height (DBH) six inches above ground level and shrubs that measure no less than five feet in height.
 - (2) Replacement tree canopy coverage shall be as calculated by the most recent standards for tree canopy coverage by the Virginia Nursery and Landscape Association. Vegetation that is not included in this list may be substituted for vegetation of similar growth rate, type and form.
- (e) Existing vegetation that shall be credited towards the required tree canopy coverage includes:
- (1) Existing or relocated trees and/or shrubs that have been preserved in accordance with a landscape conservation plan, pursuant to article IV, division 16 of this chapter, pertaining to Chesapeake Bay preservation area overlay district.
 - (2) Canopy coverage from existing trees and/or shrubs shall be multiplied by 1.25 to determine the total tree canopy from preserved trees and shrubs. This is to encourage the preservation of existing vegetation and to recognize the additional environmental benefits that mature trees provide.
- (f) Existing vegetation that shall not be credited towards the required tree canopy coverage include:
- (1) Trees with a rating of fair to poor and with a life expectancy less than ten years, as calculated by the city arborist using the most recent edition of the Guide for Plant Appraisal, published by the International Society of Arboriculture.
 - (2) Undesirable and/or invasive vegetation, as published by the Virginia Department of Conservation and Recreation (DCR) and the Virginia Native Plant Society (VNPS).
- (g) Replacement vegetation is required on lots that do not meet the minimum tree canopy coverage requirements either through the preservation of existing vegetation or due to the absence of tree canopy coverage present at the time of development or redevelopment.
- (1) Replacement vegetation should be chosen from the Recommended List of Trees and Shrubs to Plant in the City of Falls Church.
 - (2) Substitute vegetation may be considered, provided it does not negatively impact native plant communities, cause damage to nearby structures and infrastructure, or possess inherent physiological traits that cause such trees to structurally fail.
 - (3) Size, planting and installation specifications of the required replacement vegetation shall be pursuant to this section.
- (h) In addition to the quantity of the replacement vegetation, its quality shall be encouraged through providing tree canopy coverage credit. Credit shall be given for the following types of vegetation that are selected and planted on the lot so that it improves the overall health and condition of the urban tree canopy and provides for additional environmental benefits.
- (1) A best management practice (BMP) credit of 25 percent of the tree canopy of the individual tree shall be given for those trees that are used in rain gardens, bio-retention areas or other vegetative best management practices.
 - (2) An energy conservation credit of 25 percent of the tree canopy of the individual tree shall be given for those types of trees that are an approved species for energy conservation. Trees shall be located 20 to 35 feet from the edge of a building and shade its western, southwestern or northern exposure from 2:30 p.m. to 7:30 p.m. from May through September.
 - (3) A species diversity credit of an additional ten percent shall be given for the use of not more than 20 percent of the trees to be of the same species.

- (4) A utility line compatibility credit of the average of the listed shade trees shall be given for trees that are an approved species that do not conflict with overhead utility lines. This credit applies when site constraints do not allow for the planting of shade trees elsewhere on the lot.
- (i) Installation and bonding requirements of replacement vegetation shall be regulated pursuant to article V, division 7 of this chapter, pertaining to site plans.
- (j) Where areas to be preserved (as designated on an approved landscape conservation plan) are encroached upon, the city arborist may require the replacement of any vegetation damaged or destroyed. The size, species and quantity of these replacements shall be determined by the city arborist based on the value of the vegetation removed as calculated by the latest formula published by the International Society of Arboriculture.
- (k) Modifications to the tree canopy coverage requirement in this section may be permitted when in the professional opinion of the city arborist, a lot's unique physical constraints will not allow for the planting of the replacement vegetation. Only in these cases, the city arborist may allow a cash contribution to the tree canopy coverage fund or off-site mitigation fund whereby a portion of a lot's tree canopy coverage requirements may be met from off-site mitigation planting or replanting at locations at the direction of the city arborist.
- (l) The tree canopy coverage fund or off-site mitigation fund shall be established for the deposit of cash contributions and mitigation fees, when necessary, and administered by the city arborist. This fund shall be utilized to plant trees on public and/or private properties within the city boundaries.
 - (1) Requests for tree plantings on private property shall be prioritized based on the lot's location in the sub-watershed, existing tree canopy coverage and other site conditions that would improve the urban tree canopy. The commitment of the homeowner to provide longterm care for the planting shall be required.
 - (2) Tree plantings shall be contracted out yearly and documentation provided to the urban forestry commission and/or other interested parties as to the fund's administration, and the locations and types of trees planted.

Level 3: Architectural Design District

Example Basic Architectural Standards (Town of Ashland)

1. *Window percentage.* A minimum of fifteen percent (15%) of the front facing building façade shall consist of windows. Elements to count towards the achievement of the minimum window percentage include any opening in a wall, roof, dormer, front door, or garage door which functions or appears to function to admit light to a building or structure. Glass block and vents do not meet this standard. See the Design Guidelines Handbook for guidance on window percentage calculation. On corner lots where a building has more than one street facing side, the minimum window percentage would only be required for the street facing façade with the primary entrance to the building.
2. *Street entrance.* The primary structure shall have a minimum one (1) pedestrian street-facing entrance on the front façade. The entrance must be within eight (8) feet of the longest street-facing wall and shall:
 1. Face the street;
 2. Be at an angle of up to 45 degrees from the street; or
 3. Open on to a porch.

On corner lots where a building has more than one street facing side, the required entrance would only apply to one street facing façade for the primary entrance to the building.

3. *Garage location.* If the garage is attached to the primary dwelling, then the garage door opening shall not face the primary frontage of the parcel, or if the garage is front-loading, it must be recessed from the primary façade of the main structure by a minimum of five (5) feet. For development of multiple lots (more than one), no more than fifty (50%) percent of dwellings may have a recessed front-loading, attached garage.
4. *Consistent materials.* Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure so that the main body provides a consistent palette of materials, finishes, and colors for wall and roofing materials. See the Design Guidelines Handbook for guidelines and examples.
5. *Material quality.* Concrete masonry units, or cinderblock, shall not be a visible exterior finish material from the public road, right-of-way, or adjacent residential property.

Where a proposal is for an alteration or addition to existing structure, these requirements will only be applied to the portion of a structure being altered or added.

Example Large Dwelling Standards (Town of Nags Head)

SECTION 7.4 DWELLING, LARGE RESIDENTIAL.

Large residential dwellings are permitted in accordance with Section 6.6, Table of Uses and Activities, subject to the following provisions:

7.4.1. Intent.

The purpose of establishing this section is to set forth a comprehensive set of regulations designed to promote and encourage the unique and historical elements of residential architecture held to be valued as an integral part of the Town image, to ensure that future residential development is compatible with its natural and developed environments, and to afford the highest level of protection for both permanent residents and seasonal visitors occupying these structures in the furtherance of public safety and welfare.

7.4.2. Exceptions of Applicability.

All existing large residential dwelling uses which do not meet the requirements of this section shall be regulated in accordance with Article 5, Nonconformities.

7.4.3. Large Residential Dwellings.

As defined in Appendix A Definitions, large residential dwellings shall be subject to the requirements set forth in subsections 7.4.4 through 7.4.7 of this section. Large residential dwellings located in an area designated as a historic district on the National Register of Historic Places shall comply with the provisions of the Nags Head Residential Design Guidelines.

7.4.4. Dimensional Requirements.

7.4.4.1. The minimum lot area for large residential dwellings shall be 16,000 square feet. The total enclosed habitable living space for large residential dwellings is 5,000 square feet, except where the large residential dwelling is located in the SED-80 zoning district on a lot which meets the minimum lot area requirements for that district.

7.4.4.2. Enclosed habitable living space for large residential dwellings shall be calculated to also include any enclosed habitable space that may be present in any accessory structure that is located on the same lot as the principal structure.

7.4.4.3. For large residential dwellings, the minimum width of the side yard shall be fourteen (14) feet. For property owners that elect to follow the Nags Head Residential Design Guidelines (see Appendix B), the minimum width of the side yard may be determined using the dimensional requirements contained within Article 8 District Development Standards applicable to the zoning district in which the dwelling is proposed.

7.4.4.4. The maximum height for large residential dwellings shall be thirty-five (35) feet. For property owners that elect to following the Nags Head Residential Design Guidelines (see Appendix B); and, when the proposed large residential dwelling utilizes an eight-twelfths roof pitch as specified in the Town of Nags Head Residential Design Guidelines, the maximum height for a large residential dwelling may be increased to forty-two (42) feet.

7.4.4.5. Within the SRO Soundside Residential Overlay District, large residential dwellings shall not exceed an enclosed habitable living space of 4,200 square feet, and the minimum lot area requirement for the permitting of large residential dwellings shall be 24,000 square feet.

7.4.5. Open Space Preservation/Landscaping Requirements.

All large residential dwellings shall comply with the requirements of one of the following subsections:

7.4.5.1. The preservation of a minimum of ten percent of the lot's total area with existing natural vegetation and/or dune elevations. Areas designated for the preservation of existing vegetation shall contain significant examples of native vegetation and be identified and maintained in accordance with Article 10, Part I, Buffering and Vegetation Preservation General Requirements and Section 10.93, Landscaping, Buffering, and Vegetation Requirements of this UDO.

7.4.5.2. The planting of a minimum of 15 percent of the lot's total area. At minimum 50 percent of the required landscaping shall consist of locally adapted live evergreen tree species that are a minimum height of three feet and one inch in diameter measured at one-half-foot above grade

when planted. The remainder of the landscaping may be live forbs and shrubs measuring at least 1-1/2 feet when planted. For properties east of NC 12 and SR 1243, evergreen shrubs shall be substituted for the tree requirement according to the specifications described above.

The above landscaping requirements may be altered due to unique and unusual physical conditions or characteristics of the property, including the reduction of landscaping requirements for oceanfront properties and other lots containing significant dune features that will be preserved in equal proportion.

The property owner shall be responsible for maintaining the landscaped areas required by this section, including the replacement of dead and missing vegetation, accordance with Section 10.5, Maintenance and Replacement, of this UDO.

7.4.6. Sewage Disposal Permitting Requirements.

The maximum permitted wastewater capacity for large residential dwellings shall not exceed 1,080 gallons per day.

7.4.7. Parking.

Parking for all large residential dwellings shall be in conformance with the requirements of Section 10.12, Parking Lot Requirements for Single-Family and Two-Family Dwelling Units, applicable to single-family dwellings and two-family dwellings.

Example Neighborhood Design District (City of Roanoke)

Sec. 36.2-332. Neighborhood Design Overlay District (ND).

- (a) *Purpose.* The Neighborhood Design Overlay District (ND) is intended to promote quality City design by coordinating the development of designated Rehabilitation and Conservation Areas. The City finds and determines that the standards of the ND Overlay District promote compatibility between buildings and structures in the City's traditional neighborhoods, maintain property values, and promote pedestrian-friendly, walkable streets.
- (b) *Applicability.*
 - (1) The City Council may, in the manner provided for amending this chapter, pursuant to the procedures set forth in Section 36.2-540, apply the Neighborhood Design Overlay District (ND) to areas of the City that are designated Rehabilitation and Conservation Areas. The regulations of this section shall apply to the construction of, an addition to, or the exterior modification of a dwelling in a designated ND Overlay District.
 - (2) Any Neighborhood Design Overlay District (ND) designated by the City Council as provided for in subsection (1), above, shall be shown as an overlay to the existing underlying district on the Official Zoning Map. As such, the provisions in this section shall serve as a supplement to the underlying base zoning district regulations. Where a conflict exists between this section relating to the ND Overlay District and those of any underlying base zoning district, the more restrictive provisions shall apply.
- (c) *Design standards.* In considering an application for a zoning permit, the Zoning Administrator shall apply the following standards for construction of, an addition to, or the exterior modification of a dwelling in the ND:
 - (1) *Building location and massing:*
 - (A) The required front yard shall be determined by the regulations of the applicable base zoning district.
 - (B) A new dwelling shall have two (2) stories above the grade of the front yard where lots on both sides have two-story dwellings.
 - (C) The width of single-family and two-family dwellings shall be within twenty (20) percent of the average of the widths of other single-family and two-family dwellings on the same side of the same block. The front of multifamily dwellings shall be broken into sections of thirty (30) feet or less in width through offsets of the vertical plane of the façade of at least twelve (12) inches.
 - (D) Where lots on both sides have dwellings, the height of the foundation facing the street shall be no more than twenty (20) percent greater than the height of the tallest adjoining foundation and shall be no less than twenty (20) percent below the height of the shortest adjoining foundation. Where a dwelling exists only on one (1) side, the foundation height shall be within twenty (20) percent of the height of that adjoining

dwelling. However, when the first floor of a dwelling meets the standards for accessibility in accordance with the International Code Commission [International Code Council] document A117.1-2009 - Accessible and Usable Buildings and Facilities, the height of the foundation shall be within forty (40) percent of adjoining foundation heights rather than twenty (20) percent. Such measurements shall be taken at comparable locations on the respective foundations (i.e., left side, right side). There is no foundation height requirement where no dwellings exist on either adjoining lot.

(2) *Roofs:*

- (A) The rise-to-run ratio for the dwelling's main roof shall be 6:12 or steeper.
- (B) The roof of a new dwelling shall have a minimum of three (3) surfaces, except where the gable end faces the street and a porch extends the full width of the dwelling, in which case the roof may have a two-surface configuration.
- (C) Eave and gable overhangs for all new dwellings and additions to dwellings shall be at least twelve (12) inches. However, an addition to an existing dwelling shall not be required to have overhangs wider than those of the existing dwelling.
- (D) The rise-to-run ratio of roofs covering porches or entrances shall be equal to or shallower than the main roof.
- (E) Above-grade entrances on a building façade facing a required front yard shall be covered with a roof with a minimum width and depth of thirty-six (36) inches.

(3) *Entrances and windows:*

- (A) The dwelling shall have at least one (1) entrance facing the primary front yard. The number of doors facing the primary front yard shall be limited to one (1) door for every eighteen (18) feet of dwelling width. Single-family and two-family dwellings may have two entrances facing the primary front yard regardless of dwelling width if the second entrance is recessed at least six (6) feet behind the main front entrance.
- (B) Doors facing a street shall have panel insets or windows.
- (C) At least fifteen (15) percent of the front of the dwelling shall consist of window or door openings. At least ten (10) percent of the side of a dwelling which is not the front of the dwelling and which faces a street shall consist of window or door openings. Roofs, gables, and foundations shall not be included in determining the area of the front or the side of the dwelling.
- (D) Windows on the front façade shall have a height that is at least one and one-half (1½) times their width.
- (E) Windows on the front of the dwelling shall be arranged in a manner that is compatible with that of other dwellings in the district. In general, windows on separate stories of the front should be vertically aligned and windows on the same story should be horizontally aligned.
- (F) All stairs facing a required front yard shall have solid risers.
- (G) A sidewalk at least three (3) feet in width shall be provided between the front porch of a new dwelling and the street. The sidewalk shall be constructed of an impervious material customarily used for sidewalks in the district.

(4) *Siding and trim:*

- (A) The siding of any dwelling, exclusive of trim materials, shall not be oriented vertically.

- (B) Windows and doors shall be surrounded by trim which is at least three and one-half (3½) inches wide, except for dwellings with masonry veneer, in which case no trim around doors or windows is required. However, an addition to or modification of an existing dwelling shall not be required to have window and door trim that is wider than that of the existing dwelling.
- (C) Vertical corner boards at least three and one-half (3½) inches wide shall be provided on all dwelling corners, except where the dwelling has a masonry veneer.
- (D) Any exterior wooden elements on a dwelling's façade facing a required front yard shall be painted or be stained with an opaque stain.
- (5) *Porches:*
 - (A) Single-family and two-family dwellings shall have a front porch at least one-half (½) the width of the dwelling's façade, and having a depth of at least six (6) feet. The front porch shall face the primary front yard.
 - (B) For new and existing dwellings, the front porch shall not be enclosed with siding.
 - (C) Front porch railings shall have a top and bottom rail. Baluster ends shall not be exposed.
 - (D) Front porch columns shall be uniform in shape and style and be at least five (5) inches wide at their bottom and top. Front porch columns shall have a base and cap that are at least one (1) inch thick and are at least one hundred twenty (120) percent of the width of the column.
 - (E) The underside of front porches and stairways between pier supports shall be enclosed.
- (6) *Garages and additions:*
 - (A) An attached or detached garage or carport shall be offset at least twenty-four (24) inches behind the front façade of the dwelling. Bay doors facing a street shall have panel insets or windows. An attached garage shall not make up more than thirty-three (33) percent of the front façade of the dwelling.
 - (B) An addition to an existing dwelling shall be located on the rear or side of the dwelling, except a porch constructed in accordance with Section 36.2-332(c)(5) may be added to the front of the dwelling. An addition to the side of a dwelling shall be set back from the dwelling's front face by twenty-four (24) inches or more. When an existing dwelling does not have a front porch, an addition may be constructed on the front of the dwelling if it includes a front porch constructed in accordance with Section 36.2-332(c)(5).

Joint TC/PC Meeting Agenda Item Report

Meeting Date: May 20, 2024

Submitted by: Danny Davis

Submitting Department:

Item Type: Discussion Items

Agenda Section: Discussion Items

Subject:

Town Council and Planning Commission Discussion

Suggested Action:

Joint TC/PC Meeting Agenda Item Report

Meeting Date: May 20, 2024

Submitted by: Danny Davis

Submitting Department:

Item Type: Discussion Items

Agenda Section: Discussion Items

Subject:

Next Steps

Suggested Action: