



MEMORANDUM

To: Development Review and Regulations Committee

From: Candice E. Perkins, AICP, Senior Planner *CEP*

Subject: January Meeting and Agenda

Date: January 18, 2012

The Frederick County Development Review and Regulations Committee (DRRC) will be meeting on Thursday, January 26, 2012 at 7:00 p.m. in the **first floor conference room (purple room)** of the County Administration Building, 107 North Kent Street, Winchester, Virginia. The DRRC will discuss the following agenda items:

AGENDA

- 1) **Election of DRRC Chairman and Vice-Chairman.** As stipulated in the DRRC Operating Procedures, a chairman and vice-chairman will be elected during the first meeting of each year.
- 2) **Housing Types in the RP (Residential Performance) Zoning District.** Discussion on revisions to the Frederick County Zoning Ordinance to revise the dimensional requirements for the permitted housing types in the RP District.
- 3) **Lot Sizes in the RA (Rural Areas) Zoning District.** Request to discuss the minimum lot size requirement for non-residential lots in the RA (Rural Areas) Zoning District.

Please contact this office if you will not be able to attend the meeting. Thank you.

Access to this building is limited during the evening hours. Therefore, it will be necessary to enter the building through the rear door of the four-story wing. I would encourage committee members and interested citizens to park in the County parking lot located behind the new addition or in the joint Judicial Center parking lot and follow the sidewalk to the back door of the four-story wing.

CEP/bhd

Attachments

Item #2: Housing Types in the RP (Residential Performance) Zoning District

Staff has prepared a draft revision to the dimensional requirements for the housing types in the RP (Residential Performance) Zoning District to concerns expressed over the years as well as to clarify and simplify the text. The main revisions are as follows:

1. Addition of minimum setbacks for unroofed decks, stoops, landings, and similar features for all housing types. Staff has seen a number of residential structures that are constructed to the edge of building restriction lines (the structure takes up the entire building envelope) and this precludes the construction of a deck or other similar feature. This additional setback would allow additional area for the construction of these features.
2. Revision to the lot size and setback requirements for single family detached cluster, zero lot line, small lot and duplex housing types. These revisions are intended to ensure that the housing types don't conflict with each other.
3. Elimination of the atrium house and weak-link townhouse housing types.
4. Addition of a back-to-back townhouse option under the townhouse housing type and multiple revisions to the townhouse requirements.

If the DRRC is supportive of this ordinance amendment, staff will forward it to the Planning Commission and Board of Supervisors for their consideration.

Attachments: 1. Proposed changes to § 165-402.09 and § 165-201.02.

ARTICLE IV
 AGRICULTURAL AND RESIDENTIAL DISTRICTS
 Part 402 – RP Residential Performance District

§ 165-402.09 Dimensional requirements.

The following dimensional requirements shall be met by uses in the RP Residential Performance District. The Zoning Administrator shall make the final determination as to the classification of housing types. Unless otherwise specified, all housing types shall be served by public sewer and water.

- A. Single-family detached rural traditional. A ~~“single-family detached rural traditional residence”~~ shall be **This dwelling type consists of a fully detached, large-lot** single-family residence on an individual lot with private yards on all four sides, without public sewer and water. **Dimensional requirements shall be as follows:**
- (1) Minimum lot size shall be 100,000 square feet.
 - (2) Minimum yards shall be as follows:
 - (a) Setback from the road right-of-way: 60 feet.
 - (b) Side yards: 15 feet.
 - (c) Rear yard: 50 feet ~~without public sewer and water.~~
 - (3) Minimum lot width to maximum depth ratio shall be 1 to 3.
 - (4) Minimum off-street parking shall be two spaces per unit.
 - (5) Maximum building height shall be as follows:
 - (a) Principle building: 35 feet.
 - (b) Accessory buildings: 20 feet.
 - (6) **Minimum setbacks for unroofed decks, stoops, landings, and similar features:**
 - (a) **Setback from the road right-of-way: 50 feet.**
 - (b) **Side yards: 10 feet.**
 - (c) **Rear yard: 35 feet.**
- B. Single-family detached traditional. A ~~“single-family detached traditional residence”~~ shall be **This dwelling type consists of a fully detached,** large-lot single-family residence with private yards on all four sides without required common open space. **Dimensional requirements shall be as follows:**
- (1) Minimum lot area shall be 15,000 square feet.
 - (2) Minimum yards shall be as follows:
 - (a) Setback from the road right-of-way: 35 feet.
 - (b) Side yards: 10 feet.
 - (c) Rear yard: 25 feet.
 - (3) Minimum lot width at setback shall be 80 feet.
 - (4) Minimum off-street parking shall be two spaces per unit.
 - (5) Maximum building height shall be as follows:
 - (a) Principle building: 35 feet.
 - (b) Accessory buildings: 20 feet.
 - (6) **Minimum setbacks for unroofed decks, stoops, landings, and similar features:**
 - (a) **Setback from the road right-of-way: 25 feet.**
 - (b) **Side yards: 5 feet.**
 - (c) **Rear yard: 15 feet.**

C. Single-family detached urban. A “single-family detached urban residence” shall be *This dwelling type consists of a fully detached*, single-family residence on an individual lot with private yards on all four sides. *Dimensional requirements shall be as follows:*

- (1) Minimum lot area shall be 12,000 square feet.
- (2) Minimum yards shall be as follows:
 - (a) Setback from the road right-of-way: 35 feet.
 - (b) Side yards: 10 feet.
 - (c) Rear yard: 25 feet.
- (3) Minimum lot width at setback shall be 70 feet.
- (4) Minimum lot width at road right-of-way shall be 40 feet.
- (5) Minimum off-street parking shall be two spaces per unit.
- (6) Maximum building height shall be as follows:
 - (a) Principle building: 35 feet.
 - (b) Accessory buildings: 20 feet.
- (7) Minimum setbacks for unroofed decks, stoops, landings, and similar features:*
 - (a) Setback from the road right-of-way: 25 feet.*
 - (b) Side yards: 5 feet.*
 - (c) Rear yard: 15 feet.*

D. Single-family detached cluster. A “single-family detached cluster residence” shall be a *This dwelling type consists of a fully detached*, single-family residence on an individual lot, with private yards on all four sides, and some common open space within the development.

- ~~(1)~~ In a proposed cluster development, there shall be a minimum total area per dwelling unit of ~~10,000 square feet, not including land in required common open space and road rights-of-way. No individual lot shall be smaller than 8,000 square feet. For each lot that is less than 10,000 square feet by a given square footage, an equivalent square footage of land shall be added to the required common open space.~~ *Dimensional requirements shall be as follows:*

[Note: SF Cluster already has a higher open space requirement than SF urban (25% v 15%) and therefore this housing type (w/o restrictions) should fall between the two]

- ~~(2)~~ Minimum total area per dwelling unit shall be 10,000 square feet.
- ~~(3)~~ (1) Minimum lot area shall be 8,000 square feet.
- ~~(4)~~ (2) Minimum yards shall be as follows:
 - (a) Setback from the road right-of-way: ~~35~~ 25 feet.
 - (b) Side yards: ~~10~~ 8 feet.
 - (c) Rear yard: ~~25~~ 20 feet.
- ~~(5)~~ (3) Minimum lot width at setback shall be 60 feet.
- ~~(6)~~ (4) Minimum lot width at the road right-of-way shall be 30 feet.
- ~~(7)~~ (5) Minimum off-street parking shall be two per unit.
- ~~(8)~~ (6) Maximum building height shall be as follows:
 - (a) Principle building: 35 feet.
 - (b) Accessory buildings: 20 feet.
- (7) Minimum setbacks for unroofed decks, stoops, landings, and similar features:*
 - (a) Setback from the road right-of-way: 10 feet.*
 - (b) Side yards: 5 feet.*
 - (c) Rear yard: 10 feet.*

- E. Single-family detached zero lot line. A “single-family detached zero lot line residence” shall be ***This dwelling type consists of a fully detached***, single-family residence on an individual lot. The building is set on one of the side property lines, with a maintenance easement on the adjoining lot. ***Dimensional requirements shall be as follows:***
- (1) Minimum lot area shall be 6,000 square feet.
 - (2) Maximum lot area shall be ~~7,000~~ ***8,000*** square feet.
 - (3) Maximum impervious surface ratio per lot shall be 0.40.
 - (4) Minimum yards shall be as follows:
 - (a) Setback from the road right-of-way: 25 feet.
 - (b) Rear yard: 25 feet.
 - (5) Minimum on-site building spacing shall be 25 feet.
 - (6) Minimum off-street parking shall be two per unit.
 - (7) Maximum building height shall be as follows:
 - (a) Principle building: 35 feet.
 - (b) Accessory buildings: 20 feet.
- (8) Minimum setbacks for unroofed decks, stoops, landings, and similar features:***
- (a) Setback from the road right-of-way: 15 feet.***
 - (b) Side yards: 20 feet.***
 - (c) Rear yard: 15 feet.***
- (89)*** Supplemental regulations:
- (a) The opposite side yard must be maintained clear of any obstructions other than a three-foot eaves encroachment, swimming pools, normal landscaping, removable patio covers extending no more than five feet or garden walls or fences not to exceed nine feet in height.
 - (b) The zero lot line side must not be adjacent to a road right-of-way.
 - (c) A maintenance easement of eight to 10 feet in width must be obtained on the lot adjacent to the zero lot line side.
- F. Single-family small lot. ~~Single-family small lot housing shall be a~~ ***This dwelling type consists of a*** single-family detached or attached residence on an individual lot. No more than two units may be attached together. ~~The intent of this housing type is to provide an alternative to conventional single-family lots that can be tailored to the unique needs of specialized populations such as those of the older person.~~ ***Dimensional requirements shall be as follows:***
- ~~(1)~~ Dimensional requirements shall be as follows:
 - (1) Minimum lot size: 3,750 square feet.
 - (2) Maximum lot size: 6,000 square feet.***
 - (3) Minimum off-street parking spaces: 2.***
 - ~~(4) Setback from state road: 25 feet.~~ ***Setback from the road right-of-way: 20 feet.***
Setback from private road: 20 feet.
 - (5) Rear yard: 15 feet.***
 - ~~(6) Side yard (*detached option*): Zero lot line option may be used with this housing type. If chosen, the minimum side yard shall be 10 feet for that yard opposite the zero lot line side. If not chosen, the minimum side yard shall be five feet.~~ ***5 feet.***
 - (7) Side yard (attached option): 10 feet.***
 - ~~(8) (g)When the attached option for the single-family small lot housing unit is chosen, the minimum building spacing requirement shall be 20 feet.~~ ***Minimum building spacing (attached option): 20 feet.***

(9) Supplementary setbacks: Minimum setbacks for unroofed decks, stoops, landings, and similar features:

- (a) With the single-family small lot housing type, decks may extend five feet into rear yard setback areas. Setback from the road right-of-way: 10 feet.
- (b) Where single-family small lot housing abuts open space, decks may extend up to 12 feet into rear yard setback areas. Side yards: 5 feet.
- (c) Front porches, stoops and steps may extend eight feet into front yard setback areas. Rear yard: 5 feet.

(2) A minimum of 20 landscape plantings shall be provided on each individual lot. At least ¼ of the landscape plantings shall be trees, with the remainder being shrubs. The trees shall be a minimum of two inches in caliper at time of planting, and the shrubs shall be a minimum three-gallon container at time of planting.

(10) Detached accessory structures may not exceed 150 square feet.

(11) One detached accessory structure shall be permitted on each lot.

(12) Maximum building height shall be as follows:

- (a) Principal buildings: 35 feet.
- (b) Accessory buildings: 20 feet.

G. Duplex. A “duplex” is a single-family semidetached residence, having one dwelling unit from ground to roof and only one wall in common with another dwelling unit. The two dwelling units in a duplex building may or may not have individual outside access. This dwelling type consists of a single family semi-detached residence, containing two (2) dwelling units that are connected from ground to roof with only one wall in common with another dwelling unit.

Dimensional requirements shall be as follows:

(1) Dimensional requirements shall be as follows:

(1) Minimum lot area, per unit lot: 4,500 square feet.

(2) Maximum lot coverage: .50

(3) Minimum off street parking spaces per unit: 2

Number of Bedrooms	Minimum Lot	Average Lot	Off-Street Parking Spaces
	Area per Unit (square feet)	Area per Unit (square feet)	
1	4,500	5,000	2
2	5,000	5,500	2.25
3-plus	5,500	6,000	2.50

(4) Minimum yards shall be as follows:

- (a) Setback from the road right-of-way: ~~25~~ **20** feet.
- (b) Side yard (one side only): 10 feet.
- (c) Rear yard: 25 feet.

(5) Maximum building height shall be as follows:

- (a) Principle building: 35 feet.
- (b) Accessory buildings: 20 feet.

(6) Minimum lot width: 50 feet.

(7) Minimum setbacks for unroofed decks, stoops, landings, and similar features:

(a) Setback from the road right-of-way (front): 15 feet.

(b) Side yards, not attached: 5 feet.

(c) Rear yard: 10 feet.

*Note: Section H Remains Unchanged

I. Atrium house. An "atrium house" is a single-family attached, one-story residence, with individual outside access to the dwelling unit. The lot shall be enclosed by a wall at least six feet high. This wall shall be constructed of similar or comparable materials as the house walls. A private yard, herein called "an atrium," shall be included on each lot. All living spaces, i.e., living rooms, den and bedrooms, shall open onto the atrium. No more than six individual dwelling units may be attached in any one building.

- (1) Maximum gross density shall be eight units per acre.
- (2) Dimensional requirements shall be as follows:

	Minimum	Average	Off Street	Minimum
Number of	Lot Area	Lot Area	Parking Lot Width	
Bedrooms	(square feet)	(square feet)	Spaces	(feet)
1	2,000	2,200	2	35
2	2,700	2,900	2.25	35
3 plus	3,000	3,300	2.50	40

- (3) Maximum impervious surface ration per lot shall be 0.65.
- (4) Minimum atrium area ratio shall be 0.35.
- (5) Maximum building height shall be 35 feet.
- (6) Minimum atrium dimension shall be 15 feet.
- (7) Minimum yards shall be as follows:
 - (a) Front setback: 25 feet from the road right of way. Detached garage units may be built in private parking areas or on individual lots with no setback as long as adequate access is maintained for traffic.
 - (b) Side yards: 25 feet from perimeter boundaries.
 - (c) Rear yard: 50 feet from perimeter boundaries.
- (8) Minimum building spacing shall be 25 feet.

J. Weak-link townhouse. The "weak-link townhouse" is a single-family attached dwelling, having individual outside access, with one dwelling unit from ground to roof. Each dwelling shall consist of a one-story portion and a two-story portion, with the one-story portion occupying a required proportion of the minimum lot frontage. Rows of attached dwellings shall not exceed 10 units and shall average no more than eight dwelling units per structure.

- (1) Maximum gross density shall be eight units per acre.
- (2) Dimensional requirements shall be as follows:

	Minimum	Average	Off-street	Minimum	Minimum
Number	Lot Area	Lot Area	Parking Lot	1-Story	
Of	(square feet)	(square feet)	Parking Width	Width	
Bedrooms	(feet)	(feet)	Spaces	(feet)	(feet)
1	1,800	2,000	2	26	9
2	2,400	2,600	2.25	28	10
3 plus	3,200	3,400	2.50	34	12

- ~~(3) Impervious surfaces ratio (on lot):~~
 - ~~(a) Without garage: 0.35.~~
 - ~~(b) With one car garage: 0.45~~
 - ~~(c) With two car garage: 0.50.~~
- ~~(4) Minimum yards shall be as follows:~~
 - ~~(a) Front setback:~~
 - ~~[1] Thirty five feet from the road right-of-way.~~
 - ~~[2] Twenty feet from parking area or driveways.~~
 - ~~(b) Side: 30 feet from perimeter boundaries.~~
 - ~~(c) Rear: 50 feet from perimeter boundaries.~~
- ~~(5) Minimum on-site building spacing:~~
 - ~~(a) Side: 30 feet.~~
 - ~~(b) Front or rear: 50 feet.~~
- ~~(6) Maximum building height shall be as follows:~~
 - ~~(a) Principle: 35 feet.~~
 - ~~(b) Accessory: 20 feet.~~

~~I K. Townhouse, ***Back-to-back Townhouse***. The "townhouse" is a single family attached dwelling with one dwelling unit from ground to roof, having individual outside access. ***This dwelling type consists of a single-family attached dwelling unit from ground to roof, with individual outside access.*** Rows of attached dwellings ***townhouses*** shall ***contain no more than eight (8) dwelling units in a group.*** not exceed 10 units and shall average no more than eight dwellings per structure. ***Back-to-back townhouses shall contain no more than sixteen (16) dwelling units in a group. Dimensional requirements shall be as follows:***~~

- (1) Maximum gross density shall be eight ~~ten~~ units per acre.
- (2) Dimensional requirements shall be as follows:
 - a. Minimum lot width:

<u>[1] End units</u>	<u>22 ft.</u>
<u>[2] Interior units</u>	<u>18 ft.</u>
 - b. ***Maximum building height***

<u>[1] Principle building</u>	<u>35 40 ft.</u>
<u>[2] Accessory building</u>	<u>20 ft.</u>
 - c. ***Minimum setbacks:***

<u>[1] Setback from a road right-of-way</u>	<u>20 ft.</u>
<u>[2] Front (with garage)</u>	<u>20 ft.</u>
<u>[3] Front (fronting an off street parking lot)</u>	<u>10 ft.</u>
<u>[4] Side (end unit)</u>	<u>10 ft.</u>
<u>[5] Rear (shall not apply to back-to-back townhouses)</u>	<u>20 ft.</u>
 - d. ***Required off Street Parking (per unit)*** 2.25
 - e. ***Minimum lot area*** 1,500 sq.ft.
 - f. ***Minimum setbacks for unroofed decks, stoops, landings and similar features:***

<u>[1] Front (with off-street parking)</u>	<u>5 ft.</u>
<u>[2] Front (with garage)</u>	<u>15 ft.</u>
<u>[3] Setback from a right-of-way</u>	<u>15 ft.</u>
<u>[4] Side (end unit)</u>	<u>5 ft.</u>
<u>[5] Rear</u>	<u>8 ft.</u>

	Minimum	Average	Off-Street	Minimum
Number of	Lot Area	Lot Area	Parking	Lot Width
Bedrooms	(square	(square	Spaces	(feet)
	feet)	feet)		
1	1,500	1,600	2.00	18
2	1,700	1,800	2.25	18
3 plus	2,000	2,200	2.50	18

(3) Maximum site impervious surface ratio shall be 0.40.

(4) Supplementary regulations:

(a) Setbacks shall be varied at least two (2) feet for all townhouse units within a group, except that the two (2) abutting units may have the same setback, provided no more than four (4) units have the same setbacks.

(b) Architectural treatment shall vary so that no more than two (2) abutting units are substantially the same, and so than no more than four (4) units in any group are substantially the same.

(4) Minimum yards shall be as follows:

(a) Front setbacks:

[1] Thirty five feet from road right-of-way.

[2] Twenty feet from parking area or driveway.

(b) Side: 30 feet from perimeter boundary.

(c) Rear: 50 feet from perimeter boundary.

(5) Minimum on-site building spacing:

(a) Side: 30 feet.

(b) Front or rear: 50 feet.

(6) Maximum building height shall be as follows:

(a) Principle building: 35 feet.

(b) Accessory buildings: 20 feet.

Article II

SUPPLEMENTARY USE REGULATIONS, PARKING, BUFFERS, AND REGULATIONS FOR SPECIFIC USES

Part 201 – Supplementary Use Regulations

§ 165-201.02 Setback requirements.

F. Extensions into setback yards. The following features may extend into setback yards as described.

(5) Decks which are attached to townhouses and weak-link townhouses may be constructed to the full width of the dwelling unit and may extend 15 feet into a perimeter setback area or the active portion of a required buffer area, provided that the decks are not enclosed or covered and the deck floor is not constructed higher than the finished floor elevation of the primary entrance to the dwelling unit.

[Note: this section is being relocated into the townhouse housing type section – see above]

ATTACHMENT 1

- (1) Storage sheds which are attached to townhouses and ~~weak-link~~ townhouses that can only be accessed through an outer entrance and do not exceed $\frac{1}{4}$ the width of the dwelling unit may extend 10 feet into a perimeter setback area or the active portion of a required buffer area.

Item #3: Lot Sizes in the RA (Rural Areas) Zoning District

Staff has received a request to revise the minimum lot size requirements for non-residential lots in the RA (Rural Areas) Zoning District. This request is to allow the creation of lots less than five acres to accommodate uses such as open space, recreation and private utilities (see attached email from the applicant).

It should be noted that staff does not support the creation of this amendment due to the fact that the subdivision ordinance already allows the Board of Supervisors to create lots smaller than the minimum by granting a waiver. However, if the DRRC is supportive of this proposal, staff will draft an amendment and bring it back before the DRRC.

Candice Perkins

From: Mike Artz [mikeartz@marshandlegge.com]
Sent: Monday, January 09, 2012 2:32 PM
To: Candice Perkins
Subject: Request

Candice,

At the next meeting, I would like for the DRRC to have a discussion about the merits of the following item:

Provide for creation of parcels for non-residential purposes of less than the 5 acre minimum in the RA district.

Parcels that would qualify could include future roads, non-public utilities, open-space, recreation, common space for homeowner's associations, etc. It is common for these type of parcels to be created within the RP District. There is a need for these type of parcels within the RA District.

Mike

Michael M. Artz, LS
Marsh & Legge Land Surveyors, PLC
540-667-0468