

RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION REGIONAL HOUSING STUDY



ZONING ORDINANCE REVIEW

OVERVIEW & PURPOSE

- The purpose of this section is to review the locality's housing code with an emphasis on those elements that can provide ease or preference in building and/or possibly mandate of attainable housing. In addition to best practices in codes that encourage attainable housing, we also reviewed those codes that could be preventing needed housing. Localities were self-selected to receive a review of their code, eight localities in total.
- This section includes:
 - An overview of practices that, when included in a housing ordinance or local zoning code, can help or hinder the supply of attainable housing and/or make it easier or more difficult to develop;
 - Two matrices of how the localities align with these practices; and
 - A summary of these housing policies within each locality.

**For the purposes of this review, we define attainable housing in its most general sense to include that housing that is offered at below market prices.*

ZONING ORDINANCES THAT MAY HELP CREATE ATTAINABLE HOUSING

- **Inclusionary Zoning:** Requiring a portion of new construction or development to be attainable for people with low to moderate income (usually meaning they make less than 60% of the Area Median Income (AMI)).
- **Incentives and Bonuses:** Towns and Counties can incentivize developers by offering density bonuses, special use permits, or other benefits for developing housing in a way that makes it attainable for low to moderate income families.
- **Allow Flexibility (minimum restrictions):** This is the practice of reducing or waiving height, density, land use, and other requirements to reduce barriers for developers. This practice can open opportunities in the way buildings get developed, creating a greater possibility for attainable housing. For example, by waiving or reducing certain setback requirements more units can be built on a property, allowing a greater return. This in turn would create more value on the same piece of land and increase the ability to charge lower rents or sale price on some or all units.
- **Fee Waivers and Tax Exemptions:** Similar to incentives and bonuses, Towns and Counties can offer reduced or excused fees and tax exemptions for developers that create a certain ratio of attainable housing. Typically this ratio must be kept for a specific amount of time or the developer could risk having to pay back the taxes and fees that were previously waived.
- **Priorities to Attainable Housing Developers:** Towns and Counties can give known attainable housing developers first looks at new land or development sites. These priorities increase the likelihood of attainable housing being developed.
- **Overlay Zoning to reduce Single Family (SF) and increase Attainable Housing:** An overlay zone can be used in Towns and Counties to redefine the zoning regulations in specific areas. The overlay zoned district can allow the Town or County to better address economic and housing needs.
- **A variety of resident types (mobile homes, townhomes, single family (SF) etc.):** Providing a variety of different housing options within a Town or County creates options for residents of various economic backgrounds, allowing the community to address diverse housing needs.

ZONING CODES THAT MAY HINDER AFFORDABLE DEVELOPMENT

- **Minimum buildable lot size:** Minimum-lot-size regulations specify the smallest possible area that something may be built on, often to restrict housing density. Many studies conclude that these regulations limit supply and increase the cost of housing. Having minimum buildable lot sizes prevents a developer from mixing larger and smaller lots which consumers demand and increasing housing costs via the property value. This can create a “cookie-cutter” effect which does little to add to the diversity of a community’s housing stock and adds to the dependency on automobile use, which for an aging community can create an isolated environment. Overall, with more variety in the minimum lot size rules, a variety of attainable houses can be built.
- **Density requirements:** Typically, single-family zoned land offers the most expensive properties in a community, whereas, in a higher density area, housing units can be less expensive. Increasing density (and building height) supports economic stability and prosperity by introducing additional people into a community that in turn encourages nearby retail development. Increasing density also increases property taxes collected per acre. Density requirements can be mitigated with density bonuses to developers who offer smaller and more attainable priced units.
- **Setbacks:** Setbacks require the builder to consume more land than is needed for a building, and on smaller lots, consume a higher proportion of the property. Therefore, setbacks incentivize the consolidation of lots for larger structures. Reducing setbacks allows more units per acre and thus higher density. This allows people to travel shorter distances to meet their everyday needs. While setbacks have traditionally been used as a method to provide security, privacy, and safety, acting as a land “moat” between houses, this is increasingly seen as an outdated practice as new building materials provide safety and a larger number of people in a community provide more “eyes on the street.”
- **Parking requirements:** Most zoning codes establish minimum parking requirements. This is especially burdensome with housing oriented to alternative transit options (public transportation, ride-share, biking, walking, etc.). By reducing parking requirements, it encourages alternative transportation options and opens space to provide additional amenities on site (childcare, community garden, playground, etc.). Parking requirements also waste developable land that could be capturing property taxes if utilized in a residential, retail, office, or commercial space. Parking requirements also negatively impact lower-income households as they tend to own fewer vehicles per household yet are locked into the cost of parking in a particular development.
- **Open space requirements:** Open space is an area without any human-built structures. Open space requirements are in place to preserve the character, pristine views, or common areas of a community and dictate what percent of a parcel can be developed. They are also used to create the necessary space around a building to access fresh air and ventilation. However, the higher the open space requirement, the less dense the development on a parcel can be. This can also make it hard to retrofit existing buildings to a higher density use. They are likely to pose more of a barrier to renovation when a developer requests a variance from the nominally governing regulations.

ATTAINABLE HOUSING CODE REVIEW

	Inclusionary Zoning	Incentives and Bonuses	Allow Flexibility (minimum restrictions)	Fee Waivers and Tax Exemptions	Priority to attainable housing developers	Overlay zoning to reduce SF and increase attainable units	A variety of resident types available (mobile homes, townhomes, SF, etc.)
Culpeper County		PUD district provides density exceptions and special article modifications for attainable developers.				The PUD district allows a range of land use and densities and flexible development controls.	Zoning for multifamily, single family, attainable housing and mobile homes is common in the region.
Fauquier County	No less than 20% or more than 25% of total dwelling units will be made available exclusively for low to moderate income requirements.	Attainable housing is entitled to a density bonus of up to 100% of zoning density of the underlying zoning district.		The Board of Supervisors may modify the regulations of the Zoning and Subdivision ordinance relating to lot and building regulations.	Subdivision application for attainable developments will be given special and priority processing.	Fauquier County has an Attainable Housing Overlay district.	Fauquier has zoning for eight different residential districts.
Madison County							Madison County provides a variety of housing options including rural single-family houses, single detached dwelling units, multiple family dwelling units, townhouses and more.
Orange County							Orange County provides multifamily, single family, mixed use, low density, and higher density residential zones.
Rappahannock County							Rappahannock County provides large and small lot residential, mixed use, and mobile home zoning.
Town of Culpeper	The 2020 Zoning Overhaul recommends inclusionary zoning in mixed use and other districts.		The 2020 Zoning Overhaul recommends an increase in flexibility through modernized classifications, reduced parking requirements, context-sensitive landscape practices, and form-based zoning.			The PUD zone is an overlay zone that allows for further flexibility in development which allows for increased density.	The Town of Culpeper has two low-density residential, one medium density and a mobile home zone.
Town of Orange		A density bonus system is offered to encourage private sector development of low and moderate priced dwelling units.				The UDA-O District is unique in that it does not restrict land development to uses under the applicable terms and conditions within existing underlying conventional zoning districts.	The Town of Orange has zoning for three mixed use development zones and two lower-density residential zones.
Town of Warrenton		A density bonus is offered to encourage private sector development of Accessory Dwelling Units (ADUs). The 2040 Draft Comp Plan recommends expanding density bonuses.	The 2040 Draft Comp Plan proposes flexibility among the most recent areas annexed for residential and commercial development, aligning more with form-based versus a dwelling units per acre model.			The PUD provides increased flexibility in development encouraging recognition of the areas changes in industry and the housing market.	The Town of Warrenton has eight different residential zoning districts ranging from single-family-large-lot to mixed-use-commercial-residential development. The 2040 Draft Comp Plan proposes form-based code for its most recently annexed parcels.

CODES THAT MAY HINDER AFFORDABLE DEVELOPMENT

	Minimum buildable lot size	Density requirements	Setbacks	Parking requirements	Open space requirements
Culpeper County	R-1: Min. 40,000 SF; R-2: Min. 25,000 SF; R-3: Min. 15,000 SF; R-4: Min. 5 acres	R-1: 1 main building; R-2: ---; R-3: 3-8 units/acre; R-4: 12 units/acre	R-1 - R-4: Yes	Single family: 2 spaces; Duplex:2 spaces/unit; Triplex: 2 spaces/unit Multi-family – Studio: 1 space; 1 BR: 1.25 spaces; 2 BR: 1.5 spaces; 3+ BR: 2 spaces	Lot coverage requirements, yard regulations
Fauquier County	PRD – Min. 5 acres; calculated in relation to open space requirements	Multi-family max: 8 units/acre, PRD Max: 5.5 units/acre. Additional .5 units net developable acre for urban cottages. Affordable Housing Overlay density bonus possible: No more than 50 units on a single parcel.	Single family: 10-20 feet	Single family detached: 2 spaces/unit Single family attached: 2 spaces/unit + visitor Multi-family: 2 spaces/unit + visitor	Multi-family: 10% minimum landscaped green space + min. of 2,000 SF of usable open space for 10+ units. Additional 200 SF of open space provide for each unit over 10. PRD: At least 25% of gross area, some exceptions.
Madison County	R-1: 1.5 acres/1 acre; R-2: 1.5 acres/.75 acres; R-3: 10,000 sq. ft + 2,000 sq. ft per dwelling unit	R-2: Not greater than 6 units/acre or cannot cover more than 12.5% of total lot area; R-3: Not greater than 8 units/acre or cannot cover more than 35% of total lot area.	R-1, R-2, R-3: 35 ft or more	2 spaces/unit; 1 space/unit for senior community	40% of lot area as open space for multiple/single family dwellings
Orange County	R-1: 20,000-40,000 sq. ft. R-2: 10,000-40,000 sq. ft.; R-3: 10,000 sq. ft; Multifamily: 5 acres	Multifamily: 8 units per structure max; R-5: Not more than 6 units/acre (w/o bonuses) -12 units/acre (w/bonus)	R-1 – Multifamily: 20-35 ft from ROW; R-5: build-to zone, traditional setback not permitted	Single Family: 2 spaces/unit Two-family: 2 spaces/unit; Multifamily: 1 BR: 1.75 spaces/unit, 2 BR: 2 spaces/unit, 3 BR: 2.25 spaces/unit, 4+ BR: 2.5 spaces/unit R-5: On-street parking encouraged	R-5: Min. of 20% devoted to rec space.
Rappahannock County	RR-5: Min. 5 acres; R-2: Min. 2 acres; RV: Min, 1 acre	RR-5: 5 units per acre; R-2: 2 units per acre; RV: 1 unit per acre	RR-5,R-2, RV: Yes	Single Family, Attached: Two Spaces per Unit, Plus 1 space, on or off street, per each 3 units for visitors Multifamily: One and one-half spaces per Unit, Plus one space, on-or-off street, per each three units for visitors	Percentage of gross parcel area
Town of Culpeper	R-E: 1 acre; R-1: Min. 10,000 SF; R-2: Min. 2,000 SF; R-3: Min. 2,000 SF; R-MHP: 4,000 SF	R-E: 1 main building; R-1: 1 main building; R-2: 6 units per acre; R-3: 6 units per acre; R-MHP: 7 units per acre	R-E, R-1, R-2, R-3, R-MHP: Yes	Single Family: 2 spaces per unit Two-Family: 2 spaces per unit Townhouses: 2.5 spaces per unit Multifamily: 1.5 spaces per one-bedroom unit; otherwise 2 spaces per unit Mobile Homes: 2 spaces per unit	Feet per lot or Percentage of gross parcel area
Town of Orange	RR: Min. 30,000 SF; TRL: Min 6,500 SF; TRH: Min. 2,000 SF	RR: 1 main building; TRL: 1 main building; TRH: 8 units per acre	RR, TRL, TRH: Yes	Single Family: 2 spaces per unit Multifamily: 1 space per 1-bedroom unit, 1.5 spaces per 2-bedroom unit, 2 spaces per unit 2+ units Townhouse: Same as Multifamily Duplex: 1.5 spaces per unit	Percentage of gross parcel area
Town of Warrenton	R-15: Min. 15,000 SF; R-10: Min. 10,000 SF; R-6: Min. 6,000 SF; RT: Min. 10,000; RMF: Min. 6,000 SF	R-15: 1 main building; R-10: 1 main building ; R-6: 1 main building; RT: 7 units per acre; RMF: 7 units per acre	R-15, R-10, R-6, RT, RMF: Yes	Single Family: 2 spaces per unit Townhouses/Duplexes/2-Family Units: 2 spaces per unit Multifamily: 1 space per unit for efficiency units, 1 space per unit for 1-BR units, 1.5 spaces per unit for 2-BR units, 2 spaces per unit for 3+ BR units Mobile Homes: 2 spaces per unit	Percentage of gross parcel area

SUMMARY OF POLICY

- **Culpeper County:** Culpeper County's zoning ordinances practice **3** out of **7** of the best practices laid out above. Culpeper County has created a Planned Urban Development (PUD) corridor which allows for flexibility in development as well as incentives for attainable housing developers. Culpeper County offers density exceptions and special article modifications and other bonuses for attainable housing developers in the PUD region. The County also offers a variety of housing options. In its Residential District R-4 it states that "This district provides for high-density, multifamily uses to ensure a diversity of housing units and adequate rental units for County residents." (Culpeper County Code of Ordinances, Appendix A). It also offers a Residential Mobile Home Park District (RMH), further diversifying its housing market.
- **Fauquier County:** Fauquier County's zoning ordinances practice **6** out of **7** of the best practices laid out above. Fauquier has zoned for eight different residential districts including a Village Residential low-density district, a Garden Residential district, a Dwelling Park, a Mixed-Use Development district, and more. Offering a wide variety of housing makes Fauquier more accessible to people with different incomes, spacing needs, and tastes. Fauquier further addresses its attainable housing needs using an Affordable Housing (AH) Overlay District. The AH district uses inclusive zoning, gives further development flexibility, density bonuses, and priority ordinance processing.
- **Madison County:** Madison County's zoning ordinances practice **1** out of **7** of the best practices laid out above. Madison County provides a variety of housing options including, rural single-family houses, single detached dwelling units, multiple family dwelling units, townhouses, and more. Madison County does not specially call out for attainable housing in its zoning ordinances or offer any incentives or bonuses for increased density of attainable housing. Although the variety of housing options does create a selection for varying needs, it could be further improved with the encouragement of attainable development.
- **Orange County:** Orange County's zoning ordinances practice **1** out of **7** of the best practices laid out above. Orange County provides multifamily, single family, mixed use, low density, and higher density residential zones. Although providing a variety of housing can welcome in a variety of residences with varying incomes and needs, it does not encourage attainable housing. This limitation could exclude part of the labor market the county needs.
- **Rappahannock County:** Rappahannock County's zoning ordinances practice **1** out of **7** of the best practices laid out above. Rappahannock County provides large and small lot residential, mixed use, and mobile home zoning. Although the variety of housing in the region is capable of addressing a variety of needs it could be improved by including attainable housing incentives such as density bonuses, fee waivers, and tax exemptions.

SUMMARY OF POLICY CONT.

- **Town of Culpeper:** The Town of Culpeper's zoning ordinances practice **4** out of **7** of the best practices laid out above. Although the Town of Culpeper currently practices 2 out of the 7 best zoning practices for attainable housing it has recently come out with a Zoning and Subdivision Regulations Overhaul. This overhaul recommends inclusionary zoning practices, further flexibility in housing, an increased variety of housing, and a decrease of single-family housing in some areas which can increase access to affordability in the area. The Town of Culpeper could further incentivize the development of attainable could create incentives and densities bonuses for attainable developers, waive fees and create tax exemptions, or further prioritize attainable developers by showing them available sites before others.
- **Town of Orange:** The Town of Orange's zoning ordinances practice **3** out of **7** of the best practices laid out above. The Town of Orange has a variety of housing available, from low density single family to high density accessory dwelling units (ADUs); there is an option for every lifestyle. The ADU developers are eligible to receive density bonuses if they agree to keep the ADU's affordable for at least 15 years. To further increase density and diversify the housing and labor market the Town of Orange has created an Urban Development Area Overlay (UDA-O) which reduces the restrictions of previous zoning ordinances.
- **Town of Warrenton:** The Town of Warrenton's zoning ordinances practice **4** out of **7** of the best practices laid out above. The Town of Warrenton works to provide housing opportunities to different lifestyles by offering a variety of housing options from single-family large lots to accessory dwelling units (ADUs). To encourage the development of ADU's, the Town offers developers a density bonus when they are building attainable units. The Town of Warrenton has created a Planned Urban Development (PUD) district which offers further flexibility in development; this practice typically allows for more diverse and attainable housing opportunities as the developers face fewer restrictions. The Town of Warrenton's draft 2040 Comprehensive Plan recommends future zoning options to encourage addressing the Missing Middle housing needs. These changes include allowing a variety of housing types in its identified Character Districts based on an appropriate form and profile, encouraging a higher mix of housing types in the Character Districts, modifying ADU language to more broadly encouraging this type of development, and revising the existing density bonus program.