The purpose of this section is to review locality's housing code with an emphasis towards those elements that can provide ease or preference in building and/or possibly mandate of affordable housing.* Localities self-selected to receive a review of their code, eight localities in total.

This section includes:

- An overview of best practices that, when included in a housing ordinance or local zoning code, help to increase the supply of affordable housing and/or make it easier to develop;
- A matrix of how the localities align with the best practices; and
- A summary of affordable housing policies within each locality.

*For the purposes of this review, we define affordable housing in its most general sense to include that housing that is offered at below market prices.
AFFORDABLE HOUSING ZONING ORDINANCES – BEST PRACTICES

- **Inclusionary Zoning:** Requiring a portion of new construction or development to be affordable 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 affordable 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 affordable 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 affordable 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 Affordable Housing Developers:** Towns and Counties can give known affordable housing developers first looks at new land or development sites. These priorities increase the likelihood of affordable housing being developed.

- **Overlay Zoning to reduce Single Family (SF) and increase Affordable 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.
### AFFORDABLE HOUSING ZONING ORDINANCES – CODE REVIEW

<table>
<thead>
<tr>
<th>County</th>
<th>Inclusionary Zoning</th>
<th>Incentives and Bonuses</th>
<th>Allow Flexibility (minimum restrictions)</th>
<th>Fee Waivers and Tax Exemptions</th>
<th>Priority to affordable housing developers</th>
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<th>A variety of resident types available (mobile homes, townhomes, SF, etc.)</th>
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<tbody>
<tr>
<td>Culpeper County</td>
<td>The PUD district provides density exceptions and special article modifications for affordable developers.</td>
<td>Inclusionary Zoning Incentives and Bonuses Allow Flexibility (minimum restrictions)</td>
<td>The Board of Supervisors may modify the regulations of the Zoning and Subdivision ordinance relating to lot and building regulations.</td>
<td>Subdivision application for affordable developments will be given special and priority processing.</td>
<td>Faquier County has an Affordable Housing Overlay district.</td>
<td>The PUD district allows a range of land use and densities and flexible development controls.</td>
<td>Zoning for multifamily, single family, affordable housing and mobile homes is common in the region.</td>
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<td>Fauquier County</td>
<td>No less than 20% or more than 25% of total dwelling units will be made available exclusively for low to moderate income requirements. Affordable housing is entitled to a density bonus of up to 100% of zoning density of the underlying zoning district.</td>
<td>The 2020 Zoning Overhaul recommends inclusionary zoning in mixed use and other districts.</td>
<td>The 2020 Zoning Overhaul recommends an increase in flexibility through modernized classifications, reduced parking requirements, context-sensitive landscape practices, and form-based zoning.</td>
<td>The PUD zone is an overlay zone that allows for further flexibility in development which allows for increased density.</td>
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<td>Madison County</td>
<td>Madison County provides a variety of housing options including rural single-family houses, single detached dwelling units, multiple family dwelling units, townhouses and more.</td>
<td>A density bonus system is offered to encourage private sector development of low and moderate priced dwelling units.</td>
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<td>The Town of Culpeper has two low-density residential, one medium density and a mobile home zone.</td>
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<td>Orange County</td>
<td>Orange County provides multifamily, single family, mixed use, low density, and higher density residential zones.</td>
<td>A density bonus is offered to encourage private sector development of Affordable Dwelling Units (ADUs). The 2040 Draft Comp Plan proposes expanding density bonuses.</td>
<td>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.</td>
<td>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.</td>
<td>The Town of Orange has zoning for three mixed use development zones and two lower-density residential zones.</td>
<td>The PUD provides increased flexibility in development encouraging recognition of the areas changes in industry and the housing market.</td>
<td>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.</td>
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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 affordable housing developers. Culpeper County offers density exceptions and special article modifications and other bonuses for affordable 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 address its affordable 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 affordable housing in its zoning ordinances or offer any incentives or bonuses for increased density of affordable housing. Although the variety of housing options does create a selection for varying needs, it could be further improved with the encouragement of affordable 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 residence with varying incomes and needs, it does not encourage affordable 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 affordable 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 affordable 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 affordable could create incentives and densities bonuses for affordable developers, waive fees and create tax exemptions, or further prioritize affordable 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 affordable attached 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 affordable attached dwelling units (ADUs). To encourage the development of ADU’s, the Town offers developers a density bonus when they are building affordable 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 affordable housing opportunities as the developers face less restrictions. The Town of Warrenton has recently drafted a 2040 Comprehensive Plan that indicates future changes to zoning. These changes include allowing a variety of multi-family housing types in its newly annexed developable areas based on an appropriate form and profile, prioritizing higher density housing based on demand (by-right development policy), modifying AUD language to more broadly encourage this type of development, and revising the existing density bonus program.
NEXT STEPS

EDITS & ADDITIONS TO THIS REVIEW

STRATEGIES & EXECUTIVE SUMMARY REPORT
THANK YOU!