

ARTICLE 7
ADMINISTRATION AND REGULATION OF AFFORDABLE DWELLING UNIT
DEVELOPMENTS

Section 7-100 **Affordable Dwelling Unit Developments.**

7-101 **Purpose.** The Affordable Dwelling Unit Program is established to assist in the provision of housing to persons of moderate income by (a) promoting the development of a full range of housing choices, and (b) requiring the construction and continued existence of dwelling units which are affordable for purchase by households whose income is greater than thirty percent (30%) and less than seventy percent (70%) and affordable for rental by households whose income is greater than thirty percent (30%) and less than fifty percent (50%) of the median income for the Washington Primary Metropolitan Statistical Area (PMSA). All affordable dwelling units shall comply with the following provisions and the urban residential district regulations for Affordable Dwelling Unit Developments contained in Sections 7-200 through 7-1100 of this Ordinance and Chapter 1450 of the Loudoun County Codified Ordinance.

7-102 **Applicability.**

(A) The requirements of the Affordable Dwelling Unit Program shall apply to any site, or portion thereof, at one location which is (a) served by public water and sewer, and (b) the subject of an application for rezoning, special exception, site plan or preliminary subdivision which yields, as submitted by the applicant, twenty-four (24) or more dwelling units at an equivalent density greater than one unit per forty thousand (40,000) square feet.

(1) For the purposes of this Ordinance, "site or portion thereof, at one location" shall include all adjacent undeveloped land of the property owner and/or applicant, under common ownership and/or control of the owner and/or applicant, including, but not limited to, land owned and/or controlled by separate partnerships, land trusts, or corporations in which the owner and/or applicant (to include members of the owner's and/or applicant's immediate family) is an owner of one (1) percent or more of the stock, and other such forms of business entities. Adjacent parcels of undeveloped land owned by separate members of the same family shall be exempt from the provisions of this section when such separate ownership has existed for a period of no less than five (5) years.

(2) Immediate family members shall include the owner's and/or applicant's spouse, children, parents and siblings.

(3) In instances where a lending institution, such as pension fund, bank, savings and loan, insurance company or similar entity has acquired, or acquires, an equity interest solely by virtue of its agreement to provide financing, such equity interest shall not

constitute ownership and shall not be considered in making determinations of applicability. However, the acquisition of a fee interest by such lending institution due to foreclosure or project participation shall be considered as ownership in making determinations of applicability.

- (B) Any request for a Concept Development Plan (CDP) Amendment involving the rezoning of land within a mixed use planned development district, or zoning amendment which requires a rezoning plat, that results in an increase in the total number of residential units shall be subject to this Ordinance. However, application of the provisions of this Article shall be limited to the increase in the total number of residential units, provided that the overall density of the project results in twenty-four (24) or more units at a density of greater than one (1) unit per acre.
- (C) An owner and/or applicant shall not be exempt from the requirements of this Ordinance by submitting phased applications for rezoning, special exception, site plan or preliminary subdivision for less than twenty-four (24) dwelling units at any one time. An owner and/or applicant may submit an application for rezoning, special exception, or preliminary subdivision for less than twenty-four (24) units if the applicant agrees, in writing, that the next application or submission for the subject site, or portion thereof, shall meet the requirements of this Ordinance when the total number of dwelling units in the subject development has reached twenty-four (24) units or more. This statement shall be included on the approved concept development plan, rezoning plat, special exception, site plan, or preliminary subdivision plat. Such statement shall be recorded among the Loudoun County land records and shall be indexed in the names of all owners of the site, or portion thereof, as such terms are defined above.
- (D) **Exemptions.** The requirements of this Article shall not apply to the following:
 - (1) Any multistory structure of which a minimum of four (4) stories are composed entirely of multi-family dwellings and/or facilities (excluding parking) restricted for the exclusive use and enjoyment of the residents of such multi-family dwellings, and an elevator(s) that serves two or more dwelling units in the structure.
 - (2) Special exception, site plan or preliminary subdivision applications filed in accordance with an approved Rezoning which has proffered the provision of affordable dwelling units or other contributions toward the provision of affordable dwelling units prior to the effective date of this Ordinance.
 - (3) Proffer amendment, concept development plan amendment, preliminary subdivision amendment, site plan amendment and special exception amendment applications filed after the effective

date of this Ordinance which deal exclusively with issues of building relocation, site access, stormwater drainage, or other engineering or public facility issues, or the preservation of historic structures, wetlands, child care facilities, or changes in the size of units, a reduction in the number of units, or which request the addition of a non-residential special exception use.

- (4) Properties subject to proffers accepted by the Board of Supervisors, pursuant to Section 15.2-2303 of the Code of Virginia, prior to June 16, 1993.
 - (5) Any request for a Concept Development Plan (CDP) Amendment or zoning amendment which involves the rezoning of land within a mixed use planned development district in order to redistribute existing units to the newly zoned property within the same development, but which does not result in an increase in the total number of residential units.
 - (6) Any request for a rezoning plat amendment or zoning amendment which involves the rezoning of land within a non-planned development district in order to redistribute existing units to the newly zoned property within the same development, but which does not result in an increase in the total number of residential units.
 - (7) Land zoned R-1, CR-1, TR-1, and JLMA-1.
- (E) At the applicant's discretion, the provisions of this Article and individual district regulations for affordable dwelling unit developments may be applied to developments which are exempt from these provisions, as stated in Section 7-102(D). In the event that an applicant proposes to provide affordable dwelling units in a development which is otherwise exempt, the County shall waive any application fee associated with a Concept Development Plan Amendment proposing to change the Concept Development Plan only in order to provide affordable dwelling units. County review of such applications shall not exceed 180 days.
- (F) An applicant may provide affordable housing units in lieu of the affordable dwelling units required by this Ordinance in accordance with Section 7-109.

7-103

Affordable Dwelling Unit Density Adjustments.

(A) Single Family Detached and Single Family Attached Units.

- (1) For active rezoning applications that have not yet complied with Section 6-1204(D)(1) of this Ordinance as of December 16, 2003, and for rezoning, special exception, site plan and preliminary subdivision applications officially accepted after December 16,

2003 which request approval of single family detached dwelling units or single family attached dwelling units, the proposed density shall reflect an increase of twenty percent (20%), including the required number of affordable dwelling units, unless such figure is modified pursuant to the provisions of Section 7-108 or the applicant provides cash in lieu of providing the single family detached dwelling units pursuant to Section 7-108(B)(3). In the event such increase exceeds the upper density limit set forth in the Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property shall be increased up to twenty percent (20%) for the purposes of calculating the potential density which may be approved by the Board of Supervisors.

- (2) In the event that a twenty percent (20%) density increase is approved pursuant to Section 7-103(A)(1) above, not less than twelve and one half percent (12.5%) of the total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.

(B) Multi-Family Units.

- (1) For rezoning, special exception, site plan and preliminary subdivision applications officially accepted after June 16, 1993, which request approval of non-elevator, multi-family dwelling unit structures, the proposed density shall reflect an increase of ten percent (10%), including the required number of affordable units, unless such figure is modified pursuant to the provisions of Section 7-108. In the event such increase exceeds the upper density limit set forth in the Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property shall be increased up to ten percent (10%) for the purposes of calculating the potential density which may be approved by the Board of Supervisors.
- (2) In the event that a ten percent (10%) density increase is approved pursuant to Section 7-103(B)(1) above, not less than six and one-quarter percent (6.25%) of the total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Article.
- (3) An applicant may, at his discretion, request approval from the Board of Supervisors, or its designee, of a twenty percent (20%) increase in the density on a subject parcel, provided that at least twelve and one half percent (12.5%) of the total number of units

approved are affordable dwelling units, for which the rental and/or sales price is controlled pursuant to the provisions of this Article.

- (C) In the case where affordable dwelling units are provided pursuant to Section 7-102(E) above, the affordable dwelling unit to density increase ratio required by Sections 7-103(A) and (B) shall not apply. The density of a development subject to voluntary provision of affordable dwelling units which is otherwise exempt, may be increased between ten percent (10%) to twenty percent (20%). Of any units approved pursuant to such a density increase, not less than a percentage equal to the density increase percentage shall be affordable dwelling units, for which the rental and/or sales price shall be controlled pursuant to this Article.

7-104 Designation of Affordable Units on Plats.

- (A) Approved site plans and/or record subdivision plats shall identify the specific number of units and/or percentage of units for rent which are to be regulated as affordable units pursuant to this Article.
 - (1) All plans or plats for developments containing affordable dwelling units shall identify specific units which are for sale or the percentage of units for rent under the affordable guidelines in this Article.
 - (2) All site plans for developments containing affordable dwelling rental units shall include information concerning the number of each type of unit, by bedroom count, which shall be maintained as affordable.
- (B) Specifications regarding dwelling dimensions and the number of bedrooms in all affordable units shall meet the requirements established by the Affordable Dwelling Unit Advisory Board pursuant to the Codified Ordinance. In general, dwelling dimensions and the number of bedrooms in an affordable multi-family unit shall be comparable to equivalent market rate units on the subject parcel.
- (C) Affordable dwelling units shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district in which they are located and interspersed among market rate units in the proposed development.

7-105 Review of site or subdivision plans within 90 days. The County shall process final site plans, preliminary subdivisions or record subdivision plats proposing the development or construction of affordable dwelling units within ninety (90) days from the receipt thereof, provided that such plans and plats substantially comply with all ordinance requirements when submitted. The calculation of the review period shall include only that time the plans or plats are under County review and shall not include such time as may be required for revisions or modifications in order to comply with ordinance requirements.

7-106 **Timing of Construction/Availability of Affordable Dwelling Units.** In a development which contains single family detached, single family attached, or multi-family lots or units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the affordable dwelling units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for seventy-five percent (75%) of the affordable dwelling units for the development. Occupancy permits for no more than ninety percent (90%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the affordable dwelling units for the development. The following information shall be submitted with each occupancy permit application for a market rate dwelling unit within the development; the total number of dwelling units, market rate dwelling units, and affordable dwelling units proposed for the development; the number of occupancy permits issued for market rate dwelling units within the development; the number of occupancy permits issued for affordable dwelling units within the development; and the lot number or unit number of each affordable dwelling unit for which an occupancy permit has been issued.

7-107 **Administration and Regulation.** The administration and regulation, establishment of unit prices, price controls, eligibility requirements, and the structure and operation of the Affordable Dwelling Unit Advisory Board are governed by the Codified Ordinance of Loudoun County.

7-108 **Modifications.**

- (A) Modifications to the requirements of Sections 7-103 and 7-106 of the Affordable Dwelling Unit Program shall be allowed concurrently with applications for a rezoning, special exception, site plan or preliminary subdivision, upon a finding by the Board of Supervisors, upon recommendation of the Planning Commission, that the proposed alternative will achieve the objective of providing a broad range of housing opportunities throughout Loudoun County.
- (B) In the event that a modification to Section 7-103 is requested:
 - (1) The ratio of affordable units proposed to the total density increase approved shall be no less than 12.5:20% for single family detached and single family attached developments, and 6.25:10% for multi-family unit developments; and
 - (2) The total affordable units proposed shall be no less than five percent (5%) of the total number of residential units within the project.
 - (3) Notwithstanding paragraphs (1) and (2) above, any request for rezoning, special exception, or preliminary subdivision (by right)

which contain only single family detached dwelling units, a modification may be requested to provide cash in lieu of the dwelling units. Such cash must be paid prior to the first zoning permit. In the event that an applicant requests a modification to make such cash payment, the following criteria shall apply:

- (a) The amount of the cash payment shall be in accordance with Section 7-108(G).
 - (b) The decision to pay cash in lieu of providing the units has to be made at the time of approval of rezoning, special exception or preliminary subdivision (by right), as applicable.
- (C) In reviewing a request for modification to Section 7-103, consideration shall be given to the following:
- (1) Public facilities and services already developed for the overall development capacity to accommodate the maximum density increase permitted for provision of affordable dwelling units.
 - (2) Existing unique, or unusual site constraints including, but not limited to, potential adverse impacts on environmental resources and features on the subject parcel and adjacent parcels, and difficult soil conditions.
 - (3) Unusual costs associated with development of the subject property.
 - (4) Overriding public needs, health issues, public safety issues, or public welfare issues which are better served by not providing the maximum number of affordable units otherwise required.
 - (5) In the case of a request for a Concept Development Plan Amendment, consideration shall also be given to whether the amendment would result in a reduction in the previously approved rezoning's impact on public facilities and whether the existing proffer commitments for the previously approved rezoning exceed current adopted capital facility guidelines established in the County's comprehensive plan.
- (D) In reviewing a request for modification to Section 7-106, consideration shall be given to the following:
- (1) The modified timing of construction and availability of affordable dwelling units compared to market rate dwelling units.

- (2) Existing unique, or unusual site constraints, including but not limited to the availability of utilities or infrastructure that require a modified development schedule.
 - (3) Unusual costs associated with development of the subject property due to the development schedule required by Section 7-106.
- (E) In conjunction with Section 7-108(B) above requesting such modifications, the Board of Supervisors may permit an applicant to request a modification to this ordinance so as to allow them to provide any combination of affordable dwelling units, land or contributions to Loudoun County equivalent to providing the required number of affordable dwelling units.
- (F) Requests for modifications to the requirements of the Affordable Dwelling Unit Program, as applied to a given development, shall be submitted in conjunction with the application for rezoning, concept development plan amendment, proffer amendment, special exception, site plan, or preliminary subdivision, as applicable. For a request to modify Section 7-103 the applicant shall provide a justification that addresses Section 7-108(C). For a request to modify Section 7-106 the applicant shall provide a justification that addresses Section 7-108(D). The Affordable Dwelling Unit Advisory Board shall review requests for modifications and make its recommendation within sixty (60) days of receipt of a complete application.
- (G) Cash provided in lieu of single family detached dwelling units pursuant to Section 7-108(E) and 7-103(A) shall be a per unit cash contribution of one hundred percent (100%) of the construction cost of a prototypical single family detached affordable dwelling unit. The construction cost of a prototypical single family detached affordable dwelling unit shall be the “vertical cost” of an affordable dwelling unit as established on a semiannual basis by the Affordable Dwelling Unit Advisory Board. The minimum number of bedrooms of the prototypical single family detached affordable dwelling unit used to determine the cash contribution shall be equal to the number of bedrooms provided within the predominant market rate single family detached dwelling unit in the development as determined by the Zoning Administrator.
- (H) All cash provided in lieu of single family detached dwelling units or the value of land contributions made pursuant to Sections 7-103(A) and 7-108(E) shall be calculated in terms of current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County, and paid prior to the issuance of the first zoning permit unless another time is approved by the Board of Supervisors at the time the modification is approved. Funds collected shall be placed in the Loudoun County Housing Trust Fund.

- (I) The time limits set forth in Section 15.2-2259 and 15.2-2260 of the Virginia Code shall be suspended during the pendency of an application filed pursuant to Section 7-108.

7-109

Affordable Housing Programs.

- (A) A development that provides the same number or more affordable housing units as the number of affordable dwelling units required under Section 7-103(A) and (B) above shall satisfy the requirements of the Affordable Dwelling Unit Program.
- (B) A development which provides a fewer number of affordable housing units than the number of affordable dwelling units required under Section 7-103(A) and (B) above shall provide the additional number of affordable dwelling units necessary to make up the shortage.
- (C) The rents and sales prices for affordable housing units provided shall be in accordance with the rules and regulations governing such programs and these units shall be marketed in accordance with such rules and regulations.
- (D) The following requirements shall apply to any development that provides affordable housing units pursuant to this Section:
 - (1) Approved site plans and/or record subdivision plats shall identify the specific number and location of buildings which are to contain affordable housing units and include a tabulation that demonstrates that the number of affordable housing units and affordable dwelling units provided satisfies the number of affordable dwelling units required by Section 7-103(A) and (B) above.
 - (2) In a development which contains single family detached, single family attached, or multi-family lots or units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the affordable housing units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for seventy-five percent (75%) of the affordable housing units for the development. Occupancy permits for no more than ninety percent (90%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the affordable housing units for the development. The following information shall be submitted with each occupancy permit application for a market rate dwelling unit within the development; the total number of dwelling units, market rate dwelling units, and affordable housing units proposed for the development; the number of occupancy permits issued for market

rate dwelling units within the development; the number of occupancy permits issued for affordable housing units within the development; and the lot number or unit number of each affordable housing unit for which an occupancy permit has been issued.

- (3) The applicant shall provide written verification to the Zoning Administrator from the applicable affordable housing program of the approval of funding to provide affordable housing units. Until such written verification is provided by the applicant, only affordable dwelling units shall be provided to meet the requirements of this Ordinance.
- (4) Buildings containing affordable housing units shall utilize exterior building materials similar to and be of an architectural style compatible with the market rate dwelling units within the development in which they are located. Written documentation and/or plans demonstrating that the affordable housing units are in conformance with this requirement shall be provided to the Zoning Administrator prior to approval of the first Site Plan, Construction Plans and Profiles, and/or Subdivision Plan for the affordable housing units.

7-110

Violations and Penalties. In addition to the provisions set forth in Section 6-500 et seq., the following shall apply whenever any person, whether owner, lessee, principal, agent, employee or otherwise, violates any provision of this Article, or permits any such violation, or fails to comply with any of the requirements hereof:

- (A) Tenants of affordable dwelling units who shall fail to submit executed affidavits or certifications, as required by this Article, shall be subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
- (B) Tenants of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Article knowing the statements contained therein to be false shall also be subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
- (C) Owners of individual affordable dwelling units who shall falsely swear that they continue to occupy their respective affordable dwelling unit as their primary domicile shall be subject to injunction or other suit, action or proceeding to require such owner to either sell the unit to someone who meets the eligibility requirements established pursuant to this Article or to occupy such affordable dwelling unit as a domicile.

7-111

Enforcement and Court Appeals.

- (A) The Zoning Administrator shall administer and enforce the provisions of the Affordable Dwelling Unit Program.

- (B) Notwithstanding the provisions of Section 15.2-2311 of the Virginia Code, any person aggrieved by a decision of the Zoning Administrator or by the Affordable Dwelling Unit Advisory Board, in the case of a decision made by the latter regarding an appeal of affordable dwelling unit for-sale or rental prices, or by any decision made by an administrative officer in the administration or enforcement of the Affordable Dwelling Unit Program, may appeal such decision to the Loudoun County Board of Zoning Appeals by filing a petition of appeal which specifies the grounds upon which aggrieved within thirty (30) days from the date of the decision.
- (C) Any petition of appeal properly filed pursuant to Paragraph B above shall not constitute a de novo proceeding and shall be considered by the Circuit Court in a manner similar to petitions filed pursuant to Section 15.2-2314 of the Virginia Code.

**AFFORDABLE DWELLING UNIT DEVELOPMENT
ZONING DISTRICT REGULATIONS**

Section 7-200 Countryside Residential-2: (CR-2) District.

7-201 Purpose. These regulations for the CR-2 district are established to provide "for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre".

7-202 Permitted Uses. Affordable dwelling unit developments may consist of single family detached dwelling units, either in a compact cluster or traditional designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-203 Lot and Building Requirements. Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a traditional or compact cluster design option, in the CR-2 district.

- (A) **Lot size.** No minimum requirement.
- (B) **Lot width.**
 - (1) Single family detached. 50 feet minimum.
 - (2) Single family attached duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.
- (C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).
 - (1) **Front.** 15 feet minimum.
 - (2) **Side.** 9 feet minimum.
 - (3) **Rear.** 25 feet minimum.
 - (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
- (D) **Lot coverage.** 40% maximum.
- (E) **Open Space Area for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit

development such that the overall density of one lot per 14,000 square feet is maintained.

(F) **Other Requirements.**

- (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
- (2) **Frontage.** Single family attached units shall front on a public road, unless the development has received approval for private streets.
- (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-300

Countryside Residential-3: (CR-3) District.

- 7-301 Purpose.** These regulations for the CR-3 district are established to provide for affordable dwelling unit developments at a density not to exceed three and six-tenths (3.6) dwelling units per acre.
- 7-302 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a compact cluster or traditional designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-303 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or compact cluster design option, in the CR-3 district.
- (A) **Lot size.** No minimum requirement.
 - (B) **Lot width.**
 - (1) Single family detached. 50 feet minimum.
 - (2) Single family attached duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.
 - (C) **Yards.** (Single family attached duplex, triplex, or quadruplex units):
 - (1) **Front.** 15 feet minimum.
 - (2) **Side.** 9 feet minimum.
 - (3) **Rear.** 25 feet minimum.
 - (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
 - (D) **Lot coverage.** 40% maximum.
 - (E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 10,000 square feet is maintained.

(F) **Other Regulations.**

- (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
- (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
- (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-400

Countryside Residential-4: (CR-4) District.

7-401 Purpose. These regulations for the CR-4 district are established to provide for affordable dwelling unit developments at a density not to exceed four and eight-tenths (4.8) dwelling units per acre.

7-402 Permitted Uses. Affordable dwelling unit developments may consist of single family detached dwelling units in a suburban designed subdivision. In addition, single family attached duplex, triplex, and quadruplex units and townhouse units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-403 Lot and Building Requirements. Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development in the CR-4 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family detached. 50 feet minimum.

(2) Single family attached duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.

(3) Single family attached townhouse units.
14 feet minimum for interior units.
24 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex and single family attached units).

(1) **Front.** 15 feet minimum.

(2) **Side.** 8 feet minimum; 0 feet for interior units.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.**

(1) Single family detached. 35% maximum.

- (2) Single family attached duplex, triplex, quadruplex or townhouse units. 50% maximum.
- (E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 7,000 square feet is maintained.
- (F) **Other Regulations.**
 - (1) **Location.** Single family attached duplex, triplex, and quadruplex units and single family attached dwellings shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
 - (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
 - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-500

R-2 Single Family Residential District.

7-501 Purpose. These regulations for the R-2 district are established to provide for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre.

7-502 Permitted Uses. Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Section 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.

7-503 Lot and Building Requirements. Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-2 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

- (1) Single family detached, suburban. 60 feet minimum.
- (2) Single family detached, traditional. 45 feet minimum.
- (3) Single family detached, cluster. 50 feet minimum.
- (4) Single family attached duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.

(C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).

- (1) **Front.** 15 feet minimum.
- (2) **Side.** 9 feet minimum; 0 feet for interior units.
- (3) **Rear.** 25 feet minimum.
- (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 40% maximum.

- (E) **Open Space Area for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 14,000 square feet is maintained.
- (F) **Other requirements.**
- (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
 - (2) **Frontage.** Single family attached units shall front on a public road, unless the development has received approval for private streets.
 - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-600

R-3 Single Family Residential District.

- 7-601 Purpose.** These regulations for the R-3 district are established to provide for affordable dwelling unit developments at a density not to exceed three and six-tenths (3.6) dwelling units per acre.
- 7-602 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Sections 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-603 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-3 district.
- (A) **Lot size.** No minimum requirement.
 - (B) **Lot width.**
 - (1) Single family detached, suburban. 50 feet minimum.
 - (2) Single family detached, traditional. 40 feet minimum.
 - (3) Single family detached, cluster. 40 feet minimum.
 - (4) Single family attached duplex, triplex, or quadruplex units. 30 feet minimum for end units.
 - (C) **Yards.** (Single family attached duplex, triplex, or quadruplex units).
 - (1) **Front.** 15 feet minimum.
 - (2) **Side.** 9 feet minimum; 0 for interior lots.
 - (3) **Rear.** 25 feet minimum.
 - (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
 - (D) **Lot coverage.** 40% maximum.

- (E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 10,000 square feet is maintained.
- (F) **Other Regulations.**
- (1) **Location.** Single family attached duplex, triplex, and quadruplex units shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
 - (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
 - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-700

R-4 Single Family Residential District.

- 7-701 Purpose.** These regulations for the R-4 district are established to provide for affordable dwelling unit developments at a density not to exceed four and eight-tenths (4.8) dwelling units per acre.
- 7-702 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached dwelling units, either in a cluster, suburban, or traditionally designed subdivision. Cluster subdivisions reducing lot areas by 20-50% shall be subject to the approval of a special exception, in accordance with Sections 6-1300 and 6-1400. In addition, single family attached duplex, triplex, and quadruplex units and single family attached townhouse units are permitted, provided that no more than thirty five percent (35%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-703 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban, traditional, or cluster design option, in the R-4 district.
- (A) **Lot size.** No minimum requirement.
- (B) **Lot width.**
- (1) Single family detached, suburban. 50 feet minimum.
 - (2) Single family detached, traditional. 40 feet minimum.
 - (3) Single family detached, cluster. 40 feet minimum.
 - (4) Single family attached, duplex, triplex, or quadruplex units.
18 feet minimum for interior units.
30 feet minimum for end units.
 - (5) Single family attached, townhouse units.
14 feet minimum for interior units.
24 feet minimum for end units.
- (C) **Yards.** (Single family attached duplex, triplex, quadruplex or townhouse units).
- (1) **Front.** 15 feet minimum.
 - (2) **Side.** 8 feet minimum; 0 feet for interior units.
 - (3) **Rear.** 25 feet minimum.

- (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
- (D) **Lot coverage.**
- (1) Single family detached. 35% maximum.
 - (2) Single family attached duplex, triplex, quadruplex or townhouse units. 50% maximum.
- (E) **Open Space for Cluster Developments.** Open space shall be provided in a sufficient amount within a clustered affordable dwelling unit development such that the overall density of one lot per 7,000 square feet is maintained.
- (F) **Other Regulations.**
- (1) **Location.** Single family attached duplex, triplex, and quadruplex units and single family attached dwellings shall be located so as to minimize their impact on single family detached dwelling unit developments located adjacent to the ADU development.
 - (2) **Frontage.** Single family attached and single family attached units shall front on a public road, unless the development has received approval for private roads.
 - (3) **Access.** Access to individual single family attached units may be provided by an alley or private driveway.

Section 7-800

R-8 Single Family Residential District.

- 7-801 Purpose.** These regulations for the R-8 district are established to provide for affordable dwelling unit developments at a density not to exceed nine and six-tenths (9.6) dwelling units per acre.
- 7-802 Permitted Uses.** Affordable dwelling unit developments may consist of single family detached or single family attached dwelling units, either in a suburban or traditionally designed subdivision. In addition, multi-family units are permitted, provided that no more than fifty percent (50%) of the total number of dwelling units allowed within the development shall consist of such units.
- 7-803 Lot and Building Requirements.** Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-8 district.
- (A) **Lot size.** No minimum requirement.
- (B) **Lot width.**
- (1) Single family detached, suburban. 40 feet minimum.
 - (2) Single family attached duplex, triplex, or quadruplex units.
14 feet minimum for interior units.
24 feet minimum for end units.
 - (3) Single family attached townhouse units.
14 feet minimum for interior units.
22 feet minimum for end units.
 - (4) Multi-family structures. 60 feet minimum.
- (C) **Yards.**
- (1) Single family detached, suburban and traditional.
 - (a) **Front.** 15 feet minimum.
 - (b) **Side.** 8 feet minimum (16 feet minimum between units).
 - (c) **Rear.** 25 feet minimum.
 - (2) Single family attached units.
 - (a) **Front.** 15 feet minimum.
 - (b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet.

- (c) **Rear.** 15 feet minimum, no requirement along common walls.
 - (3) Multi-family structures.
 - (a) **Front.** 20 feet minimum.
 - (b) **Side.** 10 feet minimum; 20 feet on corner lots.
 - (c) **Rear.** 25 feet minimum.
 - (4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.
- (D) **Lot coverage.**
- (1) Single Family Detached: 50% maximum.
 - (2) Multifamily: 60% maximum.
 - (3) Single Family Attached: 75% maximum.
- (E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of market-rate dwelling units of more than ten (10) units. An additional 100 square feet of such space shall be provided for each market-rate single family detached dwelling unit and 200 square feet of such space for each market rate single family attached dwelling unit and market-rate multi-family dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.
- (F) **Other Regulations.**
- (1) **Location.** Multi-family units shall be located so as to minimize their impact on single family detached developments located adjacent to the ADU development.
 - (2) **Frontage.** Units shall front on a public road, unless the development has received approval for private roads.

Section 7-900

R-16 Townhouse/Multi-family District.

7-901 Purpose. These regulations for the R-16 district are established to provide for affordable dwelling unit developments at a density not to exceed nineteen and two-tenths (19.2) dwelling units per acre.

7-902 Permitted Uses. Affordable dwelling unit developments may consist of single family attached, quadruplex, townhouse, or multi-family units, either in a suburban or traditionally designed subdivision.

7-903 Lot and Building Requirements. Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-16 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.**

(1) Single family attached townhouse units.
14 feet minimum for interior units.
22 feet minimum for end units.

(2) Single family attached quadruplex units. 28 feet minimum.

(3) Multi-family structures. 60 feet minimum.

(C) **Yards.**

(1) Single family attached.

(a) **Front.** 15 feet minimum, except as provided for in traditional design developments pursuant to Section 3-606(C)(2).

(b) **Side.** No requirement along common walls; minimum side yard on end unit shall be 8 feet.

(c) **Rear.** 15 feet minimum, no requirement along common walls.

(2) Multi-family structures.

(a) **Front.** 25 feet minimum.

(b) **Side.** 10 feet minimum; 25 feet minimum on corner lots.

(c) **Rear.** 25 feet minimum.

- (3) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception in accordance with the provisions of Section 6-1300 of this Ordinance.
- (D) **Lot coverage.**
- (1) Multi-family: 60% maximum.
 - (2) Single Family Attached: 75% maximum.
- (E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate single family attached dwelling unit and market-rate multi-family dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

Section 7-1000

R-24 Multi-family Residential District.

7-1001 Purpose. These regulations for the R-24 district are established to provide for affordable dwelling unit developments at a density not to exceed twenty-eight and eight-tenths (28.8) dwelling units per acre.

7-1002 Permitted Uses. Affordable dwelling unit developments may consist of multi-family dwelling units, either in a suburban or traditionally designed subdivision.

7-1003 Lot and Building Requirements. Unless otherwise provided for below, the lot, building setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether it is a suburban or traditional design option, in the R-24 district.

(A) **Lot size.** No minimum requirement.

(B) **Lot width.** 60 feet minimum.

(C) **Yards.**

(1) **Front.** 25 feet minimum.

(2) **Side.** 10 feet minimum; 25 feet minimum on corner lots.

(3) **Rear.** 25 feet minimum.

(4) Minimum yard requirements for affordable dwelling unit developments may be modified by the Board of Supervisors by Special Exception, in accordance with the provisions of Section 6-1300 of this Ordinance.

(D) **Lot coverage.** 70% maximum.

(E) **Active Recreation Space.** A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate multi-family dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

Section 7-1100

PD-Housing Districts.

7-1101

The regulations for low density, medium density, and high density residential neighborhoods designated on the concept development plan for a PD-H Zoning District providing affordable dwelling units shall be those for Affordable Dwelling Unit Developments in the counterpart Urban Residential districts.

7-1102

The regulations for low density, medium density, and high density residential neighborhoods designated on the concept development plan for a Traditional Town development providing affordable dwelling units shall be those for Affordable Dwelling Unit Developments in the R-4, R-8, and R-16 districts.