

## **DRAFT Article 6A Residential Community, R-4**

### **Statement of Intent**

This District is established to provide for the orderly development of moderate to higher density, off-water residential communities. This District ~~should~~ **shall** be located in areas where central water and sewage disposal are available and/or will be provided and that are convenient to public facilities and services ~~such as~~ within the Planned Growth Area, designated rural villages, ~~or locations where a sustainable supply of workforce housing could be created~~ **county owned properties or existing densely developed areas or planned communities**. Regulations are designed to accommodate a mix of housing types and very limited commercial uses. Requirements for pedestrian and vehicular circulation, parking, open space, and recreation of residents are included in the provisions for the R-4, Residential Community District.

### **6A-1 USES PERMITTED**

In Residential Community R-4, structures to be erected or land to be used shall be for the following uses with each main structure meeting the minimum lot area, setback, frontage and yard requirements of this ordinance:

- 6A-1-1** Single-family dwellings
- 6A-1-2** Two family dwelling units
- 6A-1-3** Townhouses or apartments
- 6A-1-4** Multiple family dwellings
- 6A-1-5** Condominium housing, in conformance with Section 55-79.41 of the Code of Virginia
- 6A-1-6** Boarding and rooming houses
- 6A-1-7** Accessory uses or structures as defined
- 6A-1-8** Swim, golf, tennis or similar athletic facilities
- 6A-1-9** Home occupations as defined
- 6A-1-10** Home professional offices
- 6A-1-11** County sanctioned public facilities
- 6A-1-12** Public utility booster or relay stations, transformer substations, cellular and other public communication towers which extend higher than 35 feet above ground level, with a special exception. Distribution lines and poles, pipes, meters and other facilities for the provision and maintenance of public utilities, including water and sewer installations, are permitted in this district.
- 6A-1-13** Cemeteries and churches
- 6A-1-14** Educational institutions, public and private
- 6A-1-15** Hospitals and clinics
- 6A-1-16** Nursing or convalescent homes
- 6A-1-17** Any day care center
- 6A-1-18** Agriculture as defined
- 6A-1-19** Clubs, civic, fraternal, or patriotic organizations
- 6A-1-20** Firehouses and rescue squads
- 6A-1-21** Support commercial services such as a restaurant, bakery, coffee shop, florist, hardware or artisan shop, dance or exercise studio, barber or hair salon with a special exception

### **6A-2 REQUIREMENTS FOR PERMITTED USES**

**6A-2-1** Before a building permit shall be issued or construction commenced on any permitted use in this zoning district or a permit issued for a new use, plans in sufficient detail to show the operations, processes and information as required by Article 22 - Site Plans, shall be submitted to and approved by the Zoning Administrator.

**6A-2-2** Residences may be located in the same building with a business. Residences can be above the business, below it, or attached to it. Residence portion of the shared building must conform to building codes for residential structures.

### **6A-3 AREA REGULATIONS**

**6A-3-1** The minimum lot area for permitted uses ~~not utilizing central/public water or sewer systems shall be 20,000 square feet~~ **five acres.**

**6A-3-2** ~~The minimum lot area for permitted uses utilizing either central/public water or sewer systems shall be 10,000 square feet~~

**6A-3-3** For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The Zoning Administrator, with the approval of the Board of Supervisors, may require a greater area if considered necessary by the health official. Conditional septic disposal system permits, which limit the use of the subject property to a specified portion of the year, are hereby strictly prohibited.

**6A-3-4** The minimum lot area for a townhouse permitted use shall be ~~2,500~~ **1,500** square feet

**6A-3-5** *The number of units per building shall not exceed six.*

### **6A-4 DENSITY**

**6A-4-1** The base density permitted shall be two (2) dwelling units per acre.

**6A-4-2** The base density may be increased by one additional unit per acre (total of 3 per acre) if 10% of the total number of dwelling units are built and priced, for purchase or rental or subsequent rental after purchase, in a range that is affordable to residents with incomes between 80 and 120 percent of the median family income as determined by the most recent U. S. Department of Housing and Urban Development estimate for Lancaster County.

**6A-4-3** The base density may be increased by two additional units per acre (total of 4 per acre) if 20% of the total number of dwelling units are built and priced, for purchase or rental or subsequent rental after purchase, in a range that is affordable to residents with incomes between 80 and 120 percent of the median family income as determined by the most recent U. S. Department of Housing and Urban Development estimate for Lancaster County.

**6A-4-4** The affordable dwelling units used as the basis for approving the preceding density bonuses shall be subject to a deed restriction to ensure that newly constructed sales and rental units remain affordable for a period of 15 years after the initial sale or rental transaction. During that 15 year period, subsequent sales or rental prices of these affordable units must not exceed the original sales or rental price plus the value of documented improvements plus the annual rate of inflation, as calculated by referring to the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics or the Marshall and Swift Building Cost Index. During that 15 year period, any transfer of these affordable units shall require approval of the Zoning Administrator, either on the deed or by separate certificate filed with the Clerk of the Circuit Court of Lancaster County and transfer without that approval shall constitute a violation of the Lancaster County Zoning Ordinance punishable as a Class I misdemeanor. Appeals of the Zoning Administrator's decision shall be in accordance with Article 14 of the Lancaster County Zoning Ordinance. The deed restriction shall be approved by the County Attorney and/or Zoning Administrator and shall be enforceable through legal and equitable remedies, to include recovery of excess consideration above the controlled price to be placed in a fund to further promote the County's workforce housing goals.

### **6A-5 SETBACK REGULATIONS**

**6A-5-1** Structures, except signs, shall be forty (40) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the centerline of any street right-of-way less than fifty (50) feet in width. This shall be known as the setback line.

### **6A-6 FRONTAGE REGULATIONS**

**6A-6-1** For lots containing or intending to contain a single family detached permitted use; The minimum lot width at the setback line shall be seventy-five (75) feet.

**6A-6-2** For lots containing or intending to contain a duplex or town house permitted use; the minimum lot width shall be twenty (20) feet for interior lots and forty (40) feet for end lots.

**6A-6-3** Town house units shall have no more than three (3) units in an unbroken facade line; an offset must be no less than two and one-half (2 1/2) feet.

**6A-6-4** For permitted uses on all other lots, the minimum lot width shall be seventy-five (75) feet, and for any additional permitted uses there shall be at least ten (10) feet of additional lot width.

#### **6A-7 YARD REGULATIONS**

**6A-7-1** The minimum side yard shall be ten (10) feet.

**6A-7-2** The minimum rear yard for each single family detached dwelling unit shall be thirty-five (35) feet.

**6A-7-3** The minimum rear yard for each town house shall be thirty-five (35) feet. Both sides of the rear yard shall be screened with a privacy wall or fence extending from the dwelling unit for a distance of ten (10) feet.

**6A-7-4** The minimum distance between main buildings and building groups shall be twenty (20) feet.

**6A-7-5** Accessory structures and parking areas shall be located five (5) or more feet from the side and rear property lines.

**6A-7-6** Setbacks for lots adjoining the perimeter boundary line of the development shall meet the setbacks of the zone classification that it adjoins. A natural or landscaped setback of at least 25 feet shall be maintained at all project boundaries.

#### **6A-8 LOT COVERAGE**

**6A-8-1** ~~Any structure~~ **No grouping of structures** in the R-4 District shall not occupy more than 40 percent of the area of the lot.

#### **6A-9 OPEN SPACE REQUIREMENTS**

**6A-9-1** The site for single family detached dwelling clustered subdivision shall provide thirty percent (30%) of its gross site area as common open space. This area shall not include any residential parking areas or road coverage areas.

**6A-9-2** All single family attached developments and multiple family developments shall set aside five percent (5%) of suitable land on the site to be developed for active recreational use by its residents. This area may be part of the site's required open space but shall be physically suitable to accommodate activities for all age groups within the development, and appropriately located for use by all its residents.

**6A-9-3** Clustered subdivisions with provisions for common open space shall be approved subject to the submission of legal instrument(s) setting forth a plan or manner of permanent care and maintenance of such areas. No such instrument(s) shall be acceptable until approval by the County Attorney and/or Zoning Administrator as to legal form, effect, and suitability of the proposed use of the open area(s).

#### **6A-10 HEIGHT REGULATIONS**

**6A-10-1** Buildings may be erected up to three stories or thirty-five (35) feet in height from grade except that:

**6A-10-2** A public or semi-public building such as a school or church may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

**6A-10-3** Church spires, belfries, cupolas, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the wall rests.

**6A-10-4** No accessory building which is within twenty (20) feet of any lot shall be more than one (1) story high; accessory structures shall be less than the main building in height, except as herein provided.

#### **6A-11 SPECIAL PROVISIONS FOR CORNER LOTS**

**6A-11-1** Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

**6A-11-2** The corner side yard(s) shall be twenty (25) feet or more from the right of way for both main and accessory buildings.

#### **6A-12 SPECIAL PROVISIONS REGARDING ACCESS TO RESIDENTIAL LOTS**

**6A-12-1** Each residential lot shall have frontage on a dedicated public street, or a fifty (50) feet public access easement over common area to such a street.

**6A-12-2** All roads and streets, whether dedicated to the public or not, for any permitted use in an R-4 District shall be built or improved to the specifications of the Virginia Department of Transportation, including both construction and design specifications.

**6A-12-3** The circulation system shall provide for different modes of transportation including pedestrian, bicycle and motor vehicle and shall be connected to existing and proposed external development. Traffic calming features such as curb extensions, traffic circles and medians may be used to encourage slow traffic speeds.

#### **6A-13 GENERAL REGULATIONS**

**6A-13-1** The provisions of the Chesapeake Bay Preservation Act, the Lancaster County Erosion and Sediment Control Ordinance, Subdivision Ordinance, and all Overlay Districts shall also apply to all permitted uses within the R-4, Residential Community District. Where conflicts arise between districts, the stricter regulations apply. The R-4, Residential Community District shall not be located within the Waterfront Residential Overlay District.

#### **6A-14 SIGN REGULATIONS**

Signs shall conform to Article 11 of this ordinance.

#### **6A-15 OFF-STREET PARKING**

Off-street parking shall be provided as required in Article 13 of this ordinance.