

(Specific to this chapter and not included in the general ordinance; may be added to “Article I, Part 100”. This is a placeholder until a decision is made on the proper location.)

"Affordable" means, as a guideline, housing that is affordable to households with incomes at or below the County's area median income, provided that the occupant pays no more than 30 percent of his gross income for gross housing costs, including utilities.

"Affordable Dwelling Unit" means a dwelling unit that is affordable to households with incomes at or below the County's area median income and occupied by residents who meet eligibility requirements.

"Affordable Dwelling Unit Development" means a specific work or improvement within the county, whether multifamily residential housing or single-family residential housing, that contains 5 or more affordable dwelling units, undertaken primarily to provide dwelling accommodations, including the acquisition, construction, rehabilitation, preservation, or improvement of land, buildings, and improvements thereto, for residential housing, and such other nonhousing facilities as may be incidental, related, or appurtenant thereto.

"Area Median Income" means the midpoint of the County's income distribution, meaning that half of the households in a region earn more than the median and half earn less than the median, as defined as the capped Area Median Income by the U.S. Department of Housing and Urban Development (HUD).

"Density Bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the locality, or, if elected by the applicant, a lesser percentage of density increase, including but not limited to no increase in density.

"Development standard" includes any local land use, site, or construction regulation, including but not limited to height restrictions, setback requirements, side yard requirements, minimum area requirements, minimum lot size requirements, floor area ratios, or onsite open-space requirements that applies to a residential or mixed-use development pursuant to any local ordinance, policy, resolution, or regulation.

"Low-Income Household" means any individual or family whose incomes do not exceed 80 percent of the area median income for the locality in which the housing development is being proposed.

"Maximum Allowable Residential Density" means the density allowed under the zoning ordinance and land use element of the comprehensive plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general development plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general development plan, the density set forth in the general development plan shall prevail.

"Very-Low-Income Household" means any individual or family whose incomes do not exceed 50 percent of the area median income for the locality in which the housing development is being proposed.

Sec. 32-290.01 – Authority and Purpose. This Affordable Dwelling Unit Ordinance is adopted pursuant to Virginia Code § 15.2-2305.1, to address housing needs, promote a full range of housing

choices, and encourage the construction and continued existence of housing affordable to low-and-moderate-income citizens by providing for increases in density to the applicant in exchange for the applicant voluntarily electing to provide such affordable housing.

Sec. 32-290.02 – Eligibility.

- a. Any affordable dwelling unit development with a density greater than one (1) dwelling unit for every acre of gross land area regardless of the applicable zoning district that is the subject of an application for rezoning, special use permit, site plan review, or subdivision approval shall be eligible for the incentives in this article.
- b. Projects providing a minimum of 5 affordable dwelling units qualify for eligibility under this section.
- c. Rezoning applications that result in the redistribution of existing affordable dwelling units within the same development to newly zoned property, without increasing the overall unit count, are not eligible for the incentives in this article.
- d. Notwithstanding any provisions to the contrary within this article, the standard proffer process shall remain unaffected and shall operate in parallel with the regulations herein. This article does not supersede any approved proffers. Should bonus density be granted through conditional zoning by the Board of County Supervisors, those specific conditions shall be adhered to accordingly. Any conditional rezoning that has been previously approved by the Board of County Supervisors shall not be eligible for density bonuses.

Sec. 32-290.03 – Density Bonus. In accordance with Virginia Code § 15.2-2305.1, a one-time bonus shall be approved as set forth below. Density bonuses are calculated based on the maximum allowable residential density. Notwithstanding the foregoing or anything to the contrary contained herein, in no event shall the density be greater than 95% of the applicable maximum allowable density. To receive density bonus, an affordable dwelling unit development shall include the following percentage of affordable dwelling units:

- a. Ten percent of the total units of an affordable dwelling unit development for low-income households. For affordable dwelling unit development under this subsection (a), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	36.5
22	38

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23	39.5
24	41
25	42.5
26	44
27	45.5
28	47
29	48.5
30	50
31	51.5
32	53
33	54.5
34	56
35 or more	57.5

- b. Five percent of the total units of an affordable dwelling unit development for very-low-income households. For affordable dwelling unit developments under this subsection (b), the density bonus shall be calculated as follows:

Percentage Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	37.5
13	40
14	42.5
15	45
16	47.5
17	50
18	52.5
19	55
20	57.5
21	60
22	62.5
23	65
24	67.5
25	70
26	72.5
27	75
28	77.5
29	80

30	82.5
31	85
32	87.5
33	90
34	92.5
35 or more	95

Sec. 32-290.04 – Affordable Dwelling Unit Standards. All affordable dwelling units provided shall match the overall quality of construction of market-rate units within the same housing development. Affordable Dwelling Units shall be constructed to match as at least one of the market rate types, and shall satisfy all of the following criteria:

- a. The exterior appearance of the affordable units shall be compatible with that of the market-rate units within the same affordable dwelling unit development.
- b. The average number of bedrooms in the affordable dwelling units shall be the same as the average number of bedrooms in the market-rate units within the same affordable dwelling unit development. The affordable dwelling units shall be dispersed within the residential development, with affordable dwelling units’ locations comparable to those of the market-rate units.
- c. The affordable housing units shall have access to and enjoyment of common open space, parking, and other facilities in the residential development.
- d. Affordable dwelling units shall be available for occupancy concurrently with the market-rate units within the same affordable dwelling unit development. For this subsection, “concurrently” means that the County shall issue building permits for the market-rate units proportionally with building permits for the affordable housing units, and the County shall approve final inspections or certificates of occupancy for the market-rate units in proportion to final inspections or certificates of occupancy for the affordable housing units.
- e. All affordable housing units shall be subject to a resale restriction, deed of trust, and/or regulatory agreement recorded against the property for execution by the Director of Housing & Community Development or their designee, in a form reviewed and approved by the County Attorney’s Office, to ensure the continued affordability of the affordable dwelling units. The prices for the sales and rentals of affordable dwelling units subsequent to the initial sale or rental transaction shall be controlled by the Director or Housing or their designee for a period of not less than 15 years nor more than 50 years after the initial sale or rental transaction for each affordable dwelling unit, provided that the ordinance further provides for reasonable rules and regulations to implement a price control provision. Approved site plans and/or recorded subdivision plats shall identify the specific number of for-sale units and/or percentage of units for rent that are to be regulated as affordable dwelling units, pursuant to this section. All site plans or plats for developments containing affordable dwelling units for sale shall identify specific affordable dwelling units for sale.

Sec. 32-290.05 – Application and Review Procedures for Density Bonus.

- a. All density bonus applications shall be filed with the Zoning Administrator, or their designee, who shall be required to review the application within 30 days of receipt of an application to

make an official determination in writing regarding the following: (i) the amount of density bonus, calculated pursuant to section 32-290.03 for which the applicant is eligible; (ii) if the applicant requests a parking ratio pursuant to subsection c of this section, the parking ratio for which the applicant is eligible; and (iii) if the applicant requests waivers or reductions of development standards pursuant to subsection d of this section, whether the applicant has provided adequate information for the locality to make a determination as to those waivers or reductions of development standards.

- b. An appeal by a party aggrieved of an official determination pursuant to this subdivision shall be made to the Board of Zoning Appeals pursuant to Virginia Code § 15.2-2311. If denied, the applicant shall be provided with the basis for denial. Any such denial may be appealed in accordance with Sec. 32-900.20, et. seq.
- c. An applicant for a density bonus pursuant to section 32-290.03 may request a waiver or reduction in any local parking ratios or requirements. The Zoning Administrator, or their designee, shall grant the waiver or reduction unless the Zoning Administrator, or their designee, is able to make a written determination that such waiver or reduction would have a specific, adverse impact upon health, safety, or the physical environment of residents of the County. The Zoning Administrator, or their designee, may also recommend to the applicant modifications of the initial request for waiver or reduction of local development standards that would satisfy the Zoning Administrator's, or their designee's, concerns. This section does not preclude the Board of County Supervisors from reducing or eliminating a parking requirement for development projects of any type in any location.
- d. An applicant for a density bonus pursuant to section 32-290.03 may request a waiver or reduction of local development standards that (i) physically preclude the construction of a project at the density permitted by this section or (ii) impact the financial feasibility of a project submitted pursuant to this section. The Zoning Administrator, or their designee, shall grant the waiver or reduction of local development standards requested by the applicant unless the Zoning Administrator, or their designee, is able to make a written determination that such waiver or reduction would have a specific, adverse impact upon health, safety, or the physical environment. The locality may also recommend to the applicant modifications of the initial request for waiver or reduction of local development standards that would satisfy the Zoning Administrator's, or their designee's, concerns. Nothing in this subsection shall be interpreted to require a locality to waive or reduce development standards that would have an adverse impact on any real property that is listed in the Virginia Landmarks Register or National Register of Historic Places or would be contrary to state or federal law.

Sec. 32-290.06 – Application Submittal Requirements. The following are the submittal requirements for a density bonus application:

- a. In addition to the site plan standards in Zoning Ordinance Article VIII, Site Plans, and the regulations and standards in the Prince William County Design and Construction Standards Manual, a site plan shall also identify the following:
 - 1. The specific lots for all single-family dwelling units in a single-family affordable dwelling unit development.
 - 2. The specific units by type and by building for all affordable dwelling units in a multi-family affordable dwelling unit development.

- b. A description, both written and graphic, of the affordable dwelling units including, but not limited to:
 - 1. Square footage;
 - 2. Number of bedrooms and bathrooms;
 - 3. Floor plan of each unit type;
 - 4. Proposed location of affordable dwelling units within the affordable dwelling unit development; and
 - 5. The number and percentage of affordable dwelling units by unit type as compared to the number of market-rate units within the development.
- c. A sworn, signed, and acknowledged statement from the applicant stating that those units designated as affordable dwelling units meet the minimum standards for affordable dwelling units established by this section.
- d. 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.
- e. The Zoning Administrator or their designee shall have no more than 280 days in which to process site or subdivision plans proposing the development or construction of affordable housing or affordable dwelling units. The calculation of this review period shall include only the time that plans are in review and shall not include such time as may be required for revision or modification to comply with lawful requirements outlined in applicable ordinances and local regulations.

Sec. 32-290.07 – Establishment of Housing Fund. To assist in achieving the County’s affordable housing goals, pursuant to Virginia Code §15.2-2305.1(B)(4), the Board of County Supervisors shall establish a housing fund and operating procedures for the exclusive purpose of achieving the County’s affordable housing goals. The submission, review, or approval of any application under this chapter shall not be conditioned upon a contribution by the applicant to any County housing fund.

The housing fund will provide flexible financial resources for funding for development loans to be awarded to eligible parties that supply affordable housing. The housing fund will address the affordable housing needs of individuals and families who live or work in the County by promoting, preserving, and producing quality long term affordable housing for low- and moderate-income households. The housing fund will provide flexible local funding that complements other funding for housing related activities, provide gap financing in an effort to move challenging affordable housing projects forward, and provide loans to eligible parties in support of activities intended to construct, preserve, improve, and expand the availability of affordable and accessible housing for County households. The housing fund may be used in conjunction with other public, private, and philanthropic funding. The housing fund is not intended to replace locally allocated federal or state program funds.

Sec. 32-290.08 – Enforcement, Violations, and Civil Penalties. The Zoning Administrator or their designee may enforce compliance with the standards of this chapter and may impose penalties for noncompliance pursuant to Sec. 32-1000.01, *et seq.*

General Ordinance

Chapter 1

Sec 1-15 - This section shall only apply to Sec. 32-290, *et seq.* The sales and rental price for affordable dwelling units within a development shall be established such that the owner or applicant, or both, shall not suffer economic loss as a result of providing the required affordable dwelling units. For purposes of this subsection, "economic loss" for sales units means that result when the owner or applicant of a development fails to recoup the cost of construction and certain allowances as may be determined by the designee of the governing body for the affordable dwelling units, exclusive of the cost of land acquisition and cost voluntarily incurred but not authorized by the ordinance, upon the sale of an affordable dwelling unit. Policies and procedures to enforce this section shall be implemented by the Director of Housing & Community Development or their designee.

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