MOTION:	**FRANKLIN**	**June 3, 2025** **Regular Meeting**
SECOND:	**BAILEY**	**Ord. No. 25-35**

RE: **ZONING TEXT AMENDMENT #DPA2022-00003, AFFORDABLE DWELLING UNIT ORDINANCE – COUNTYWIDE**

ACTION: **APPROVED**

WHEREAS, in accordance with Sections 15.2-2285 and 15.2-2286 of the Code of Virginia, Ann., the Prince William Board of County Supervisors (Board) may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare, and good zoning practice necessitate such change; and

WHEREAS, the Board approved Resolution Number (Res. No.) 21-424 to initiate a Zoning Text Amendment and County Code amendments to create an affordable dwelling unit ordinance; and

WHEREAS, County staff recommends that the Board approve the Zoning Text Amendment, #DPA2022-00003, Affordable Dwelling Unit Ordinance, including County Code Sec. 1-15, for the reasons stated in the staff report; and

WHEREAS, the Planning Commission, during its March 12, 2025, meeting, recommended adoption of the Zoning Text Amendment, as stated in Resolution No. 25-013; and

WHEREAS, the Board duly ordered, advertised, and held a public hearing on June 3, 2025, at which time public testimony was received and the merits of the above-referenced Zoning Text Amendment were considered; and

WHEREAS, the Board finds that adoption of this Zoning Text Amendment secures and promotes the public health, safety, and general welfare of the County and its inhabitants; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, as well as good zoning practice, are served by the adoption of this Zoning Text Amendment;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors hereby adopts Zoning Text Amendment #DPA 2022-00003, Affordable Dwelling Unit Ordinance, including County Code Sec. 1-15;

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall become effective at 12:01 A.M. on December 1, 2025.

ATTACHMENT: Zoning Text Amendment, including County Code Sec. 1-15

<u>Votes:</u>
Ayes: Angry, Bailey, Boddye, Franklin, Jefferson
Nays: Gordy, Vega, Weir
Absent from Vote: None
Absent from Meeting: None

For Information:
Planning Director

ATTEST: Andrea P. Madden
Clerk to the Board

CODE OF ORDINANCES PRINCE WILLIAM COUNTY, VIRGINIA

Chapter 1 – GENERAL PROVISIONS

Sec. 1-15. Affordable dwelling unit costs.

This section shall only apply to County Code Sec. 32-290.01 *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 section, "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 Board of County Supervisors for the affordable dwelling units, exclusive of the cost of land acquisition and cost voluntarily incurred but not authorized by this section and County Code Sec. 32-290.01 *et seq*., 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.

Chapter 32 - ZONING

ARTICLE I. – TERMS DEFINED

PART 100. – DEFINITIONS

The Zoning Administrator shall strictly construe the following terms and definitions. In the event a term is not defined in this section, the Administrator shall refer to other chapters of the Prince William County Code and to the building code for guidance. If ambiguity remains, the Zoning Administrator shall then rely upon the conventional, recognized meaning of the word or phrase (e.g., current edition, Merriam-Webster's Dictionary). In determining what activities comprise components of any use defined herein, the Zoning Administrator may consult the current edition of the North American Industrial Classification Standards. The definitions provided herein shall not be deemed, nor shall they be construed to be, a listing of the uses permitted in the zoning districts created by this chapter.

…

Affordable shall mean, as a guideline, housing that is affordable to households with incomes at or below the Washington-Arlington-Alexandria, DC-VA-MD HUD 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 shall mean a dwelling unit that is affordable to households with incomes at or below 80% of the Washington-Arlington-Alexandria, DC-VA-MD HUD area median income and occupied by residents who meet eligibility requirements.

Affordable dwelling unit development shall mean a specific work or improvement within the County, whether multifamily residential housing or single-family residential housing, that contains five 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 non-housing facilities as may be incidental, related, or appurtenant thereto.

…

Area median income shall mean the midpoint of the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro 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) for the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro.

…

Density bonus shall mean a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the County, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.

…

Development standard shall mean any County 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 County ordinance, policy, resolution, or regulation. Development standard shall not mean nor include use or unit type.

…

Low-income household shall mean any individual or family whose incomes do not exceed 80 percent of the area median income for the County in which the housing development is being proposed.

…

Maximum allowable residential density shall mean 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 Comprehensive 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 Comprehensive Plan, the density set forth in the Comprehensive Plan shall prevail.

…

Physical Environment shall mean all natural and human-made features including, but not limited to, features such as landforms, vegetation, soils, environmental and topographical conditions, ecosystems, buildings, streets, parks, and infrastructure.

…

Very-low-income household shall mean any individual or family whose incomes do not exceed 50 percent of the area median income for the County in which the housing development is being proposed.

ARTICLE II. – ADMINISTRATION, PUBLIC USES AND USES OF A PUBLIC NATURE, GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS

PART 290. – AFFORDABLE DWELLING UNITS

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 members of the public 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 dwelling unit for every one 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 five affordable dwelling units qualify for eligibility under this article.
c. Rezoning, site plan, or subdivision plan applications that result in the redistribution of existing affordable dwelling units within the same development to newly zoned property, without increasing the overall affordable dwelling unit count, are not eligible for the incentives in this article.
d. Notwithstanding any provisions to the contrary within this article, the rezoning application process shall remain unaffected. This article does not supersede any approved proffers and Special Use Permit conditions. Should bonus density be granted through conditional zoning by the Board of County Supervisors, those specific conditions shall be adhered to accordingly.

Sec. 32-290.03 – Density Bonus.

In accordance with Virginia Code § 15.2-2305.1, a density bonus shall be approved as set forth below. A density bonus is calculated based on the maximum allowable residential density. To receive a density bonus, an affordable dwelling unit development shall include the following percentage of affordable dwelling units:

a. A minimum of ten percent of the total units of an affordable dwelling unit development for low-income households. For affordable dwelling unit developments 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
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. A minimum of 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. Developments utilizing the low-income housing tax credit program shall be exempt from the requirements of this section with the exception of County Code Sec. 32-290.04(c). Affordable dwelling units shall be constructed to match as at least one of the market rate types, and shall satisfy all of the following requirements:

a. The exterior appearance of the affordable dwelling 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 comparable to 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 dwelling 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" will be defined in the Affordable Housing Development Administrative Procedures.
e. All affordable dwelling 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 of Housing & Community Development, 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 this article further provides for reasonable rules and regulations to implement a price control provision as defined within the Affordable Dwelling Unit Policies, Guidelines and Procedures. 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 County Code Sec. 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 County 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 section shall be made to the Board of Zoning Appeals pursuant to Virginia Code § 15.2-2311 and County Code Sec. 32-900.00 *et seq*. If denied, the applicant shall be provided with the basis for denial. Any such denial may be appealed in accordance with County Code Sec. 32-900.20 *et seq*. and Virginia Code § 15.2-2309.

c. An applicant for a density bonus pursuant to County Code Sec. 32-290.03 may request a waiver or reduction in any County 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 County 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 County Code Sec. 32-290.03 may request a waiver or reduction of County development standards that (i) physically preclude the construction of a project at the density permitted by County Code Sec. 32-290.03 or (ii) impact the financial feasibility of a project submitted pursuant to this County Code Sec. 32-290.05. The Zoning Administrator, or their designee, shall grant the waiver or reduction of County 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 Zoning Administrator, or their designee, may also recommend to the applicant modifications of the initial request for waiver or reduction of County development standards that would satisfy the Zoning Administrator's, or their designee's, concerns. Nothing in this subsection shall be interpreted to require the County 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. Development standard shall not mean nor include use or unit type.

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 subject to the provisions of this article shall also identify the following:
   1. The specific lots for all single-family dwelling units in an affordable dwelling unit development.
   2. The specific units by type and by building for all multifamily affordable dwelling units in an 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 County regulations.