

MEMORANDUM

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To: Loudoun County Planning Commission

From: Judi Birkitt, Deputy Director, Planning and Zoning
Daniel Galindo, Director, Planning and Zoning

Date: April 27, 2023

Re: May 4, 2023, Planning Commission Work Session
**ZOAM-2020-0001, Zoning Ordinance Rewrite –
Chapter 9: Attainable Housing**

2011 Election District(s): Countywide

2022 Election District(s): Countywide

PURPOSE: To receive the Planning Commission’s (Commission) endorsement of the revisions to draft Chapter 9: Attainable Housing, and direction on the Affordable Dwelling Unit (ADU) Program proportionality requirement.

Throughout this memorandum, the term “current Zoning Ordinance” refers to the [Revised 1993 Loudoun County Zoning Ordinance](#). “Draft text” and “draft Zoning Ordinance” refer to the April 27, 2023, version of Chapter 9 and related Attainable Housing definitions of the draft Zoning Ordinance (Attachments 1 and 2) being developed as part of the Zoning Ordinance Rewrite (ZO Rewrite).

BACKGROUND: An overview of Chapter 9 was provided in the [October 20, 2022, Commission Work Session Memorandum](#) and the [January 24, 2023, Commission Public Hearing Staff Report](#). The [February 9, 2023, Commission Work Session Memo](#) responded to Commission questions and public comment made at the January 24, 2023, Commission Public Hearing, and summarized additional Chapter 9 revisions for which staff sought Commission direction to pursue and that are discussed further in this memorandum.

This memorandum provides an update on revisions made as a result of Commission direction at the February 9, 2023, Work Session. Additionally, this memorandum responds to the Commission’s comments and questions received during the Work Session and identifies staff recommended revisions to the January 5, 2023, draft for Chapter 9 due to ongoing internal quality control review. This memorandum also responds to public comment themes received after the February 9, 2023, Commission Work Session. Attachment 3 provides a comparison of the January 5, 2023, and April 27, 2023, versions of

Chapter 9. Attachment 4 provides a comparison of the January 5, 2023, and April 27, 2023, versions of associated definitions.

Staff has addressed all the Commission’s direction provided on Chapter 9 to date. The next time the Commission is anticipated to see Chapter 9 is at the final Work Session(s) devoted to finalizing the Commission’s recommended draft Zoning Ordinance and forwarding it to the Board of Supervisors (Board) for consideration.

When drafting Chapter 9 and developing subsequent revisions based on Commission comments and questions, Planning and Zoning staff coordinated closely with the County’s Department of Housing and Community Development (DHCD) staff. Chapter 9: Attainable Housing will replace Article 7, Administration and Regulation of Affordable Dwelling Unit Developments, in the current Zoning Ordinance. Draft Chapter 9 includes three sections:

- Section 9.01: Affordable Dwelling Unit (ADU) Program
- Section 9.02: Unmet Housing Needs Unit (UHNU) Program
- Section 9.03: Affordable Housing Unit (AHU) Program

Several new and revised definitions are also proposed in conjunction with Chapter 9 (Attachment 2). In general, the draft attainable housing zoning regulations and definitions align the ADU and UHNU Programs with the [Loudoun County 2019 General Plan](#) (2019 GP) and are in harmony with the Board’s adopted [Unmet Housing Needs Strategic Plan](#) (UHNSP).

DISCUSSION: This section is divided into three parts: 1) topics that require additional Commission direction, 2) staff responses to Commission inquiries, and 3) revisions made in response to Commission direction, further internal quality control review, and public comment received after the February 9, 2023, Commission Work Session.

Direction: One topic that requires additional Commission direction and is based on additional public comment received after the February 9, 2023, Work Session is ADU Proportionality. Based on this additional public comment, staff seeks Commission direction regarding the ADU Proportionality requirement of the ADU Program.

1. **ADU Proportionality.** Members of the development industry expressed concern over costs related to the requirement to provide ADUs proportionate to the types of market rate dwelling units in a project. For instance, if a 400 dwelling unit project provided 100 (25 percent) single-family detached (SFD), 200 (50 percent) single-family attached (SFA) townhouses, and 100 (25 percent) multifamily stacked (MFS) dwelling units, then 25 percent of the required ADUs must be SFD, 50 percent of

the required ADUs must be SFA townhouses, and 25 percent of the required ADUs must be MFS.

The draft requirement to provide ADUs proportionate to the market rate dwelling units by unit type in a project addresses a longstanding shortcoming in the current Zoning Ordinance. The current Zoning Ordinance does not specify how ADUs must be provided by dwelling unit type. However, it does require a certain percentage (12.5 percent) of single-family dwelling units and a certain percentage (6.25 percent) of multifamily dwelling units to be ADUs.

Established implementation has been to require the ADUs generated by the single-family requirement to be single-family ADUs. Typically, these are SFA townhouses, even if SFD units are included in the project. Similarly, the multifamily ADUs are generated from the multifamily requirement. Typically, these are provided as multifamily attached (MFA) ADUs, but also as MFS ADUs if there is no MFA building in the development.

Due to the lack of ADU-type specificity, the County does not receive a variety of ADU-types unless this is negotiated as part of a rezoning request. The proposed draft proportionality requirement ensures a mix of ADU types are provided consistent with Housing Policies of the 2019 GP.

To address the development industry's concern, staff proposes two options for Commission discussion and direction:

- a. Allow an applicant to modify the proportionality requirement with a Zoning Map Amendment (ZMAP) or Zoning Concept Plan Amendment (ZCPA). This option would give applicants the most flexibility and allow the Board to consider changes to the proportionality requirement on a case-by-case basis. However, this option will also require an applicant to know the specific dwelling unit type breakdown at rezoning, which is not always known at that time.
- b. Allow SFD ADUs to count as 1.25 ADUs to reduce the SFD ADU requirement and the overall ADU requirement, thereby reducing the cost of providing SFD ADUs. Table 1 shows how this option would work based on the example provided previously.

Table 1. Comparison of Required ADUs if SFD ADUs are Allowed to Count as 1.25 ADUs*				
Dwelling Unit Type	SFD	SFA	MFS	TOTAL
Dwelling Units by Type	100	200	100	400
Required ADUs (SFD ADU = 1.0 ADU)	15 ADUs	30 ADUs	15 ADUs	60 ADUs
Required ADUs (SFD ADU = 1.25 ADUs)	12 ADUs	30 ADUs	15 ADUs	57 ADUs

*ADU calculations are based on the draft ADU Program, which would require that 15 percent of SFD, SFA, and MFS dwelling units must be ADUs.

MOTION

I move that the Planning Commission direct staff to revise the ADU proportionality requirement as discussed at the May 4, 2023, Work Session as follows:

- a. _____; and
- b. _____.

Responses to Commission Questions: Staff provides the following responses to Commission questions received at previous Work Sessions.

1. The Commission requested consideration of combining the ADU and UHNU Programs for clarity and clarifying Board policy regarding what per unit contributions (i.e., capital facilities, regional road, and transit) are anticipated for ADUs and UHNUs.

Response: The ADU Program, which is enabled by [Code of Virginia Section 15.2-2304](#), addresses moderately priced housing. The County can require ADUs that meet this level of housing affordability when it provides an optional density increase for projects providing the ADUs. The UHNU affordability is outside this moderately priced parameter; therefore, UHNUs are incentivized. Since ADUs and UHNUs are regulated differently, they are included in different sections of Chapter 9 and cannot be combined.

Regarding per unit contributions, the Board must update their policy regarding ADU capital intensity factor contributions or adopt a new policy. The Board’s longstanding adopted policy is to not accept capital intensity factor contributions for ADUs. The Board would need to adopt a new or revised policy regarding capital intensity factor for UHNUs and other contributions for ADUs and UHNUs. It would not be appropriate to include such policy guidance in the Zoning Ordinance.

2. The Commission requested that staff consider basing ADU and UHNU Program qualifications on regional loan limits rather than Area Median Income (AMI).

Response: AMI is an objective, readily identifiable measure used by the Virginia Housing Development Authority (VHDA) and Housing and Urban Development (HUD), etc. to determine eligibility for their various housing financing programs. Although the ADU Program is not a financing program, it is logical to use the metric used by other relevant agencies, stakeholders, and participants when determining eligibility for the ADU and UHNU Programs. Furthermore, the ADU Program has been using AMI since its inception.

3. The Commission requested staff to consider whether the proposed zoning regulations would inadvertently prohibit a developer from pursuing affordable dwelling unit projects.

Response: In accordance with the draft ADU Program requirements, any residential project of 24 or more dwelling units that is served by public water and sewer must provide ADUs. As such, a developer would be required to provide ADUs when this threshold is met. This ADU Program applicability is consistent with the current ADU Program requirements, except that the current program also includes a requirement that projects have a density greater than one dwelling unit per 40,000 square feet. Removing this density requirement is discussed in the [October 20, 2022, Commission Work Session Memorandum](#).

Staff also notes that the draft regulations codify longstanding practices or address issues with implementing the ADU Program. For instance, the draft ADU Program codifies the calculation method for general ADU requirements and optional density increases and how compatibility and interspersed requirements are met based on the Board-adopted [Affordable Dwelling Unit Advisory Board \(ADUAB\) Design Book](#). It also clarifies that ADUs are provided proportionately by dwelling unit type, something that staff consistently recommends an applicant commit to, since the current ADU Program only differentiates between single-family and multifamily ADU requirements. These revisions are intended to remove confusing language from Article 7 of the current Zoning Ordinance, provide clarity on how to achieve the requirements of the ADU Program, and implement the Housing Policies of the 2019 GP and the UHNSP.

Similarly, the UHNU Program codifies and consolidates several regulatory and policy approaches to UHNUs into one program. Primarily, UHNUs would be provided as an incentive for additional FAR or to meet the Suburban Compact Neighborhood (SCN) Zoning District Alternative

Location Criteria but could be provided as part of an Adaptive Reuse project or as the result of a voluntary proffer commitment. Similar sample calculations and options for achieving interspersion and compatibility are included in the UHNU Program. These revisions are intended to improve implementation of the Attainable Housing chapter and achieve more attainable housing in the County.

4. The Commission requested that staff consider the possibility of converting larger homes into multifamily attainable dwelling units.

Response: In general, converting a larger home into several smaller dwelling units would not be something that would result from the Attainable Housing Programs. However, if the dwelling meets the criteria for Adaptive Reuse, it could be converted into a maximum of four smaller dwelling units upon approval of a Special Exception (SPEX). A home would also be permitted to have one internal Accessory Dwelling. A larger home could also be converted into smaller dwelling units if the home is located in a zoning district where single-family attached (SFA) or multifamily (MF) dwelling units are permitted provided the conversion does not result in exceeding the overall density of the residential development and/or the maximum number of dwelling units permitted by a rezoning.

Revisions Needing Commission Endorsement: Staff seeks endorsement of the following revisions, which include changes made 1) in response to direction received at the February 9, 2023, Commission Work Session; 2) new staff recommended revisions due to further internal quality control review; and 3) in response to public comment received since the Work Session. Revisions are demonstrated in Attachment 3.

1. ***MF ADU Program Exemption (Section 9.01.A.3):*** At the March 21, 2023, Board Business Meeting, the Board directed staff to amend the multifamily ADU exemption in Section 7-102(A) of the current Zoning Ordinance by increasing the number of stories when a MFA building is exempt from the ADU Program from four or more stories to eight or more stories and further moved to direct staff to proceed with incorporating these revisions into the draft Zoning Ordinance. Therefore, staff revised Section 9.01.A.3 by changing the applicability of the ADU Program exemption from a building with four or more stories to a MFA building with eight or more stories.
2. ***ADU and UHNU Compatibility and Interspersion (Sections 9.01.F and 9.02.E):*** The Commission directed staff to revise the ADU and UHNU Compatibility and Interspersion requirements to make them less stringent. Staff also revised the requirements for clarity, ease of implementation, and to ensure the intent of the regulations is achieved.

Staff worked closely with DHCD to revise the draft Compatibility and Interspersion requirements so that they provide a menu of measurable options that allow for some variation but ensure ADUs will fit well in the overall community in terms of design. DHCD emphasizes its support of these revisions, as they ensure that attainable housing is not clustered into one building or section of a development. The revised requirements provide flexibility while making them clear and transparent, ensuring consistent application by Zoning Administration.

In terms of size, ADUs and UHNUs can be slightly smaller than adjacent market rate dwelling units, or they could be the same size as market rate dwelling units as long as the same number of similarly sized market rate units are provided in a project. The intent of the latter option is to encourage smaller market rate units based on the ability to provide smaller ADUs. It also may be easier to implement than the previous option for certain unit types or by some housing developers.

Staff removed the requirement that bedroom sizes must be the same in MFS and MFA ADUs/UHNUs and market rate units. Typically, these building types follow standard floor plans; therefore, staff is generally assured that bedrooms will be approximately the same size in ADUs/UHNUs and market rate units.

Architectural treatment requirements mostly remain the same and are largely consistent with the ADUAB Design Book. Providing similar architectural features ensures the ADUs are not easily identified in a neighborhood and that standard features, such as decks, fences, balconies, and garages, are provided for all dwelling units in a development.

Similarly, the interspersion requirements largely remain the same and are primarily consistent with the ADUAB Design Book. These requirements are straightforward and simply ensure that ADUs/UHNUs are not adjacent to each other. They can be across a street or share rear yards. Also, more than one ADU or UHNU can be provided in an SFA or MFS building. These requirements codify the longstanding method of implementing the interspersion requirement.

New language includes an administrative alternative design option that is reviewed on a case-by-case basis. This option offers additional flexibility, such as allowing two SFA ADU townhouses to be abutting if they are designed to look like one larger townhouse in a row of SFA dwelling units or three or four attached ADUs to be provided in one building if it is designed to look like one SFD dwelling unit.

3. ***Dedicating Land in Lieu of Constructing ADUs (Section 9.01.H):*** The Commission directed staff to further develop and clarify the modification process for dedicating land in lieu of ADUs for SFD-only developments. Since the February 9, 2023, Work Session, staff no longer recommends the new draft provision that would allow an applicant to provide land to the County in lieu of constructing ADUs for SFD-only developments.

Staff anticipates pursuing the additional flexibility of dedicating land in lieu of ADUs for SFD-only developments through a Zoning Ordinance Amendment (ZOAM) after the draft Zoning Ordinance is adopted. This will allow more time for staff to fully understand how best to design and implement this provision, including what entity would be responsible for possessing the land since Loudoun County does not currently have a Housing Authority. Creation of a more effective and comprehensive approach to land-in-lieu will ensure that implementation will be successful. As part of a ZOAM process, partners can be consulted and stakeholder input included. DHCD supports this approach.

In the meantime, staff retained a current provision that allows the Board to permit a modification to the percent of ADUs required that would allow any combination of ADUs, land, or contributions to Loudoun County equivalent to providing the required number of ADUs (Section 9.03.H.2.d).

4. ***AHU Program Timing Requirements (Section 9.03.C.3):*** The Commission requested that staff consider the draft timing requirements when providing Affordable Housing Units (AHUs) within a project.

Staff revisited the AHU timing requirement for MFA buildings and revised the requirement to one threshold. With this revision, the second proposed timing requirement—that no more than 75 percent of the market rate units can be issued occupancy permits before 100 percent of the AHUs are completed—is removed. As such, the only timing requirement is that the MFA AHU building and individual units must be inspected and approved for close-in before 50 percent of the occupancy permits for market rate units can be issued. After this point, the market-rate developer can move forward with construction of the remainder of their units and does not need to report on or follow AHU production.

This change increases flexibility for the delivery of AHUs and responds to stakeholder comments. One timing requirement will ensure that AHUs are delivered while removing a barrier to market-rate unit production. This proposal is consistent with several UHNSP policies related to removing regulatory barriers to affordability in the Zoning Ordinance. It also ensures that the AHUs will be provided as the market rate project

builds out, which is important because it assures the County that ADUs can be interspersed throughout the remainder of the market rate development if the AHUs project is not completed. DHCD supports this change as it improves program flexibility while ensuring AHU delivery.

Table 2 shows the current, previous draft, and new staff recommended draft timing requirements for AHUs. The timing requirement for all other AHU types remains the same as the current Zoning Ordinance.

Table 2. Revisions to MFA AHU Timing of Construction Requirements		
Current Zoning Ordinance	Previous Draft Zoning Ordinance	New Staff Recommendation
<p>3 timing requirements:</p> <p>No more than 50% of the market rate dwelling units shall be issued occupancy permits prior to the issuance of occupancy permits for 50% of the AHUs.</p> <p>No more than 75% of the market-rate dwelling units shall be issued occupancy permits prior to the issuance of occupancy permits for 75% of the AHUs.</p> <p>No more than 90% of the market-rate dwelling units shall be issued prior to the issuance of occupancy permits for 100% of the AHUs.</p>	<p>2 timing requirements:</p> <p>All inspections, including base building and individual units, necessary to allow close-in* of the MFA AHU building must be completed prior to issuance of occupancy permits for 50% of market-rate units.</p> <p>No more than 75% of the market-rate dwelling units shall be issued prior to the issuance of occupancy permits for 100% of the AHUs.</p>	<p>1 timing requirement:</p> <p>All inspections, including base building and individual units, necessary to allow close-in* of the MFA AHU building must be completed prior to issuance of occupancy permits for 50% of market-rate units.</p>
<p>*A close-in inspection determines when the insulation and drywall is allowed to be installed in the building.</p>		

- AHU Compatibility** (Section 9.03.C.4, AHU Definition): The Commission requested that staff further clarify and adjust the AHU Compatibility requirements to address any issues with AHU funding sources and to ensure the intent of the regulation is achieved.

Staff revised the compatibility requirements to provide options and improve implementation for AHU projects. First, AHUs that have a design review component as part of the decision to award funding are exempt from the compatibility requirement. The draft language exempts AHUs being financed through four mechanisms, including the Affordable Multifamily Housing Loan through the County, the nine percent Low Income Housing Tax Credit (LIHTC) award, and two United States Department of Agriculture (USDA) financing programs, from any compatibility provisions, as these funding programs include design review.

For remaining AHUs, the compatibility requirements are different based on dwelling unit type. For MFA AHU buildings, if it is a standalone building, then the builder must pick from a list of primary and secondary building materials for the exterior and each elevation of the building must have similar building materials, design, and architectural features. If the AHUs are one of several MFA buildings or SFD, SFA, or MFS dwelling units, then the AHU building must use the same exterior building materials and be of a similar architectural style to the market rate dwelling units of the same type in the development.

DHCD supports the revisions to the AHU compatibility requirements, as they increase flexibility while continuing to ensure the provision of well-designed, high-quality attainable housing. The draft language provides additional clarity regarding what will comply with exterior building and architectural requirements. It also provides program exemptions for four funding sources, which increases flexibility, responds to stakeholder input, and is consistent with the UHNSP.

6. ***Additional Attainable Housing Modification Options*** (Sections 9.01.F, 9.01.H, 9.02.E, 9.02.H): Staff received public comment from the building industry requesting more options to modify the Attainable Housing requirements in Chapter 9.

Staff reviewed the requirements of each Attainable Housing Program and notes the following:

ADU Program. In the current Zoning Ordinance, an applicant may modify requirements for the timing and delivery of ADUs and the percentage of market rate dwelling units that must be provided as ADUs (provided that no less than 5 percent of the units are ADUs). They can also request a modification to provide cash-in-lieu of ADUs required in SFD-only developments. Modifications of these requirements are rarely used.

In the draft Zoning Ordinance, staff clarified the Modifications section for ease of application. However, the revisions do not expand the ability to modify ADU Program regulations since the modifications address two of the most important components of the ADU Program, namely required percentage of ADUs and timing of ADUs to market rate unit construction. Revisions to the other primary component of the ADU Program, the compatibility and interspersion requirements, incorporate flexibility into these draft regulations. Staff also incorporated the ability to request an administrative Alternative ADU Design Option for compatibility and interspersion. The remainder of the ADU Program regulations are either not appropriate for modification, such as definitions, income requirements, calculation requirements, and requirements to designate ADUs on plats; or staff would not support the ability to modify the requirement, such as applicability of the ADU Program or exemptions from the ADU Program.

Still, as noted in the ADU Proportionality discussion above, the Commission could direct staff to revise the ADU Program so that an applicant could modify the ADU proportionality requirement of the ADU Program.

UHNU Program. As with the ADU Program, many of the UHNU Program regulations are either not appropriate for modification, such as income requirements, calculation requirements, and requirements to designate UHNUs on plats; or staff would not support the ability to modify the requirement, such as applicability of the UHNU Program or price control periods. Revisions to the compatibility and interspersion requirements of the UHNU Program incorporate flexibility into these draft regulations. Staff also incorporated the ability request an administrative Alternative UHNU Design Option for compatibility and interspersion.

For consistency with the ADU Program, staff incorporated the ability for an applicant to modify the timing requirements for UHNU construction and delivery (Section 9.02.H). However, staff does not support modifying the number of UHNUs required, as this requirement is 1) based on incentives, such as additional FAR or density; 2) is a component of the alternative location criteria for the SCN Zoning District; 3) is the result of adaptively reusing a historic building; or 4) are a voluntary proffer commitment to provide UHNUs. It would not be appropriate to modify the number of UHNUs required in these cases.

AHU Program. Staff does not support incorporating the ability to modify any requirements of the AHU Program. This program in itself is a flexible option for both the ADU and UHNU Programs. As discussed previously, staff revised the AHU to market rate timing of AHU construction requirement to include one construction threshold. Staff would not

support a modification of this revised threshold, as it is necessary to ensure the County that the AHU project is moving forward as the market rate dwelling units build out. As with the ADU and UHNU Programs, the remaining requirements are not appropriate for modification or staff would not support the ability to modify them.

7. **Demonstrate ADUs by Unit Type on CDPs** (Section 9.01.D.4): In response to public comment, staff removed the requirement to show ADUs by unit type on concept development plans (CDP). Frequently, an applicant does not know the specific unit breakdown at the time of rezoning; therefore, the requirement to show ADUs by unit type on a CDP resulted in additional regulatory burden on applicants. It is more appropriate for this type of information to be shown on subdivisions and site plans when the unit breakdown is known.
8. **UHNU Calculations** (Section 9.02.C): Staff included Standards for UHNU Calculations in the UHNU Program regulations. These standards clarify how UHNUs are to be calculated based on the reason why UHNUs are being provided. Including such provisions improve implementation and are consistent with revisions to the current ADU Program requirements.
9. **UHNU Adjustments** (Section 9.02): Staff removed the ability for the Board to adjust the number of UHNUs or income levels required. This option was carried over from the Route 28 Optional Overlay District regulations, which have never been applied. Moreover, since UHNUs would be provided to achieve certain additional approvals such as additional FAR in certain Zoning Districts or applying the SCN Zoning District in an alternative location, or may be a voluntary proffer commitment, it does not make sense to allow such UHNU requirements to be reduced or adjusted.
10. **Additional Revisions** (Chapter 9 in general): The remaining revisions address additional comments and recommendations from the County Attorney’s Office, which are largely editorial and wordsmithing for clarity, consistency, and enforceability.

MOTION

I move that the Planning Commission endorse the revisions to Chapter 9: Attainable Housing as presented in the May 4, 2023, Planning Commission Work Session Memo OR with the following revisions:

- a. _____; and
- b. _____.

ATTACHMENTS

1. Draft Chapter 9: Attainable Housing (April 27, 2023)
2. Draft Definitions (Affordable Dwelling Unit (ADU), Affordable Housing Unit (AHU), Area Median Income (AMI), Unmet Housing Needs Unit (UHNU), Vertical Cost) (April 27, 2023)
3. Draft Chapter 9: Attainable Housing Comparison (January 5, 2023, versus April 27, 2023)
4. Draft Definitions Comparison (January 5, 2023, versus April 27, 2023)

CHAPTER 9: ATTAINABLE HOUSING

Contents:

9.01 Affordable Dwelling Unit Program

9.02 Unmet Housing Needs Unit Program

9.03 Affordable Housing Unit Program

9.01 Affordable Dwelling Unit Program

Purpose. The purpose of the Affordable Dwelling Unit (ADU) Program is to:

- Establish an Affordable Dwelling Unit (ADU) Program pursuant to Code of Virginia § 15.2-2304.
- Assist in the provision of housing to persons of moderate income identified as incomes between 30% and 70% of the area median income (AMI).
- Promote the development of a full range of housing choices.
- Implement the Housing Policies of the General Plan.
- Require the construction and continued existence of moderately priced dwelling units.
- Provide for optional increases in density to reduce land costs for the construction of moderately priced dwelling units.

A. **Applicability.** The requirements of the ADU Program apply as follows:

1. To any subject property that is:

- a. Served by public water and sewer.
- b. The subject of one or more applications for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision that either individually or collectively will yield 24 or more dwelling units.

1. For any such application that will individually yield fewer than 24 dwelling units, the owner must provide a written agreement that any subsequent application(s) that would cause the development to have a collective yield of 24 or more dwelling units will meet the requirements of the ADU Program. The owner's written agreement must be:

- a. Recorded among the land records of Loudoun County, Virginia, and indexed in the names of all owners of the subject property.
- b. Included on all approved Concept Development Plans, Special Exception Plats, Site Plans, Subdivision Plats, and Preliminary Subdivision Plats for the development.

2. **Definitions.** For the purposes of Section 9.01 the following definitions apply:

- a. "Development" means a proposal to develop land or an act of developing land that meets, and thereby is subject to, subsection A.1 above.
- b. "Subject property" means any site, or portion thereof, at a single location and includes all adjacent developable land of the owner, or under common ownership with and/or control of the owner.
 1. "Owner" includes the owner of the subject property, an applicant for development of the subject property, or members of the owner's and/or applicant's immediate family, and/or a lending institution that has acquired a fee interest in the subject property due to foreclosure or project participation; and does not include a lending institution that has acquired an equity interest in the subject property solely by virtue of its agreement to provide financing.

- a. "Immediate family" includes the owner's and/or applicant's spouse, children, parents, and siblings.
 - A. **Exception.** Adjacent parcels of developable land that have been under separate ownership by immediate family members for a period of 5 or more years are not considered part of the subject property.
- b. "Lending institution" means a pension fund, bank, savings and loan, insurance company, or similar entity.
- 2. "Common ownership with and/or control of the owner" includes, but is not limited to, land owned and/or controlled by a separate partnership, corporation, or other business entity in which the owner has ownership of 1% or more of the equity, or a land trust or trust in which the owner is a trustee or beneficiary.
- 3. **MFA Building Exemption.** The requirements of the ADU Program do not apply to dwelling units in any multistory building that has a minimum of 8 stories composed entirely of multifamily attached (MFA) dwelling units and/or facilities (excluding parking) restricted for the exclusive use and enjoyment of the residents of such MFA dwelling units, and an elevator(s) that serves 2 or more dwelling units in the building.
- 4. **AHU Program.** An applicant may provide affordable housing units (AHU) in lieu of the ADUs required by the ADU Program in accordance with Section 9.03.
- B. **ADU Program Income Requirements.** ADUs are only permitted to be provided for the Area Median Income (AMI) ranges and tenancies in Table 9.01-1.

Table 9.01-1. ADU Program Income Requirements

Area Median Income (AMI) Range ¹	Tenancy
30% up to 50%	For Rent
30% up to 70%	For Purchase

¹The current AMI must be used to determine income requirements for the ADUs.

- C. **Required Number of ADUs and Optional Density Increase.** The required number of ADUs according to dwelling unit type and optional density increase for a development are as follows:
 - 1. **Required Number of ADUs for SFD, SFA, MFS Developments.** A development, or portion thereof, composed of single-family detached dwelling units (SFD), single-family attached dwelling units (SFA), and/or multifamily stacked (MFS) dwelling units, must provide a minimum 15% of the approved total number of SFD, SFA, and/or MFS dwelling units, including any dwelling units to be provided pursuant to the optional density increase allowed under subsection C.3, as ADUs.
 - a. Calculate the required number of SFD, SFA, and/or MFS ADUs under subsection C.1 by multiplying the total number of SFD, SFA, and/or MFS dwelling units by the percentage of ADUs required.
 - 2. **Required Number of ADUs for MFA Developments.** A development, or portion thereof, composed of MFA dwelling units, must provide a minimum of 10% of the approved total number of MFA dwelling units, including any dwelling units to be provided pursuant to the optional density increase allowed under subsection C.3, as ADUs.
 - a. Calculate the required number of MFA ADUs required under subsection C.2 by multiplying the total number of MFA dwelling units by the percentage of ADUs required in subsection C.2.
 - 3. **Optional Density Increase.** When a development provides the applicable number of ADUs required by subsections C.1 and/or C.2, the development, at the discretion of the owner, is permitted an optional 20% maximum density increase as provided in Table 9.01-2.
 - a. Calculate the optional density increase as follows:

1. Determine the base density by multiplying the maximum permitted density (dwelling units per acre or FAR) by the area of the development.
2. Determine the maximum density permitted with the optional density increase by multiplying the base density by 20% and adding the result to the base density.
 - a. For density in dwelling units per acre, when the calculation results in a fraction or decimal, round down to the nearest whole number to determine the maximum number of dwelling units permitted.
 - b. If a density increase pursuant to subsections C.3 or C.4.a.1 exceeds the maximum residential density set forth in the General Plan, then the maximum residential density set forth in the General Plan applicable to the development will be increased up to 20% for the purposes of calculating the potential density that may be approved by the Board of Supervisors.
4. **Voluntary Provision of ADUs for MFA Building Exemptions.** ADUs provided in exempt MFA buildings pursuant to subsection A.3 above, are subject to the following:
 - a. The ADU requirements of subsections C.1 and C.2 and the density increase in subsection C.3 do not apply. The ADU requirement and density increase are as follows:
 1. Maximum density in dwelling units per acre (residential density) or floor area ratio (FAR) is permitted to be increased by up to 20%.
 2. If the voluntary provision of ADUs results in an increase in residential density, then of the additional dwelling units approved pursuant to subsection C.4.a.1, at a minimum a percentage of dwelling units equal to the percentage that the density was increased by must be provided as ADUs.
 3. If the voluntary provision of ADUs results in an increase in FAR, then of the additional dwelling units provided in the increased FAR approved pursuant to subsection C.4.a.1, at a minimum a percentage of dwelling units equal to the percentage that the FAR was increased by must be provided as ADUs.
5. **Additional Requirements.** When calculating the required number of ADUs and optional density increase, the following applies:
 - a. When the calculation under subsections C.1.a, C.2.a, C.4.a.2, or C.4.a.3 results in a fraction or decimal, such fraction or decimal is interpreted as requiring 1 whole ADU.
 - b. Calculations for the total number of dwelling units proposed, including any additional dwelling units provided pursuant to the optional density increase, and total required number of ADUs must be included on each Concept Development Plan, Special Exception Plat, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat for the development.

Sample ADU Calculation Pursuant to Subsection C.1 for 22.5-Acre Parcel in the SN District.

<i>Permitted Density:</i>	<i>4 Dwelling Units (DU) per Acre</i>
<i>Dwelling Units (DU) Permitted:</i>	<i>22.5 x 4 = 90 SFD, SFA, and/or MFS DUs</i>
<i>ADUs Required:</i>	<i>15% of Total DUs</i>
<i>No Optional 20% Density Increase:</i>	<i>90 x 15% = 14 ADUs Required (Rounded Up from 13.5)</i>
<i>Optional 20% Density Increase:</i>	<i>90 + (90 x 20%) = 108 Total DUs</i>
<i>Permitted Density:</i>	<i>108/22.5 = 4.8 DUs per Acre</i>
<i>Total ADUs Required:</i>	<i>108 x 15% = 17 ADUs Required (Rounded Up from 16.2)</i>

Sample ADU Calculation for Voluntary Provision of ADUs Pursuant to Subsection C.4.1.a for a 80 MFA 8-Story Building on 2.67 Acres in the PD-AAAR Zoning District

Permitted Density:	30 Dwelling Unit (DU) per Acre
Dwelling Units (DU) Permitted:	80 DUs
Total DUs Due to Voluntary ADUs:	92 DUs
Additional DUs:	12 DUs
Density % Increase:	12 Additional DUs/80 DUs = 15% density increase
ADUs Required:	15% of Additional DUs
Total ADUs Required:	12 x 15% = 2 ADUs Required (rounded up from 1.8)

Table 9.01-2. Maximum Optional Density Increase by Zoning District

Reference	Zoning District	Permitted Density ¹	Maximum Permitted Density ¹ 20% Density Increase with 15% SFD, SFA, and/or MFS ADUs	Maximum Permitted Density ¹ 20% Density Increase with 10% MFA ADUs
1	TRC	Inner and Outer Core: No Maximum TDSA: 1.5 FAR	Inner and Outer Core: No Maximum TDSA: 1.8 FAR	Inner and Outer Core: No Maximum TDSA: 1.8 FAR
2	SN-4, TSN, RC	4	4.8	N/A
3	SN-6	6	7.2	N/A
4	SCN-8, R-8	8	9.6	N/A
5	SCN-16, R-16	16	19.2	19.2
6	SCN-24, R-24	24	28.8	28.8
7	TC	1.0 FAR	1.2 FAR	1.2 FAR
8	PD-AAAR	30	36	36
9	PD-MUB	Prior to Establishment of Bus Service: 20 After Establishment of Bus Service: 30	Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36	Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36
10	TR-1, JLMA-1, R-1, CR-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
11	TR-3, JLMA-3	1 du per 3 acres	1.2 du per 3 acres	N/A
12	TR-10	1 du per 10 acres	1.2 du per 10 acres	N/A
13	TCN	5	6	N/A
14	JLMA-2, R-2, TR-2, CR-2	1 du per 20,000 sf	2.4	N/A
15	R-3, CR-3	1 du per 15,000 sf	3.6	N/A
16	R-4, CR-4	1 du per 10,000 sf	4.8	N/A
17	JLMA-20	1 du per 20 acres	1.2 du per 20 acres	N/A
18	PUD	Determined at time of PUD application. Must be consistent with residential density or FAR for the Place Type where the PUD will be located.	If SFD, SFA, or MFS dwelling units are proposed, then 20% increase of maximum residential density for the Place Type where the PUD will be located	If MFA dwelling units are proposed, then 20% increase of maximum residential density or FAR for the Place Type where the PUD will be located

(du = dwelling unit; sf = square feet; SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)
¹Density is in dwelling units per acre unless otherwise noted.

D. Calculating the Required ADU Dwelling Unit Type for Required ADUs. ADUs must be provided as, and in numbers proportionate to, the same dwelling unit type(s) provided for market rate dwelling units in the development.

1. ADUs are not permitted to be provided as a dwelling unit type that is not provided as a market rate unit in the development.
 - a. **Exception.** If AHUs are substituted for ADUs pursuant to subsection A.4 and Section 9.03, then this requirement does not apply. However, the dwelling unit type for the proposed AHUs must be permitted in the Zoning District where such AHUs will be located.
2. In MFS and MFA dwelling units, dwelling unit type is further classified by the number of bedrooms in such MFS or MFA dwelling units.
3. When the calculation of dwelling unit types for required ADUs under subsection D results in a number that ends in a fraction or decimal, any number ending in a fraction or decimal up to and including $\frac{1}{2}$ or 0.5, respectively, will be rounded down to the nearest whole number, and any number ending in a fraction or decimal over $\frac{1}{2}$ or 0.5, respectively, will be rounded up to the nearest whole number.
 - a. If the calculation results in a number that is less than the total number of required ADUs under subsection C, then a sufficient number of ADUs, which may be of any dwelling unit type provided in the development, must be provided to make up the difference.
 - b. If the calculation results in a number that is greater than the total number of the ADUs required under subsection C, then the number of ADUs provided for any dwelling unit type may be reduced until the total number of required ADUs under subsection C is provided.
4. Calculations for the required ADUs by dwelling unit type must be included on each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles for the development.

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Types Proposed Pursuant to Subsection E: SFD, SFA, and MFS Dwelling Units.

Total Dwelling Units Proposed:	110 SFD, SFA, and MFS DUs
Total ADUs Required:	17 (Rounded up from 16.5)
Dwelling Units by Unit Type:	10 SFD, 65 SFA, 35 MFS
Dwelling Unit Type Percent of Total:	9% SFD, 59% SFA, 32% MFS
ADUs Required by Unit Type:	17 x 9% = 2 SFD (Rounded up from 1.53)
	17 x 59% = 10 SFA (Rounded down from 10.03)
	17 x 32% = 5 MFS (Rounded down from 5.44)
Total ADUs Required:	17 ADUs

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Types Proposed Pursuant to Subsection E: MFA Dwelling Units.

Total Dwelling Units Proposed:	300 MFA DUs
Total ADUs Required:	30
Dwelling Units by Number of Bedrooms:	30 Studio, 110 1-Bedroom (BR), 120 2-BR, 40 3-BR
Dwelling Unit by Number of Bedrooms Percent of Total:	10% Studio, 37% 1- BR, 40% 2-BR, 13% 3-BR
ADUs Required by Number of Bedrooms:	30 x 10% = 3 Studio
	30 x 37% = 11 1-BR (Rounded down from 11.1)
	30 x 40% = 12 2-BR
	30 x 13% = 4 3-BR (Rounded up from 3.9)
Total ADUs Required:	30 ADUs

- E. **Designation of ADUs on Site Plans and Subdivision Plats and Associated Construction Plans and Profiles.** Each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles for the development must demonstrate that the required number and/or percentage of for-rent dwelling units and for-purchase dwelling units are being provided as ADUs, and that such ADUs meet the requirements of subsection G.
1. If a development contains for rent ADUs, a tabulation must be included that demonstrates the percentage of dwelling units and number of each dwelling unit type that will be maintained as ADUs.
 2. If a development contains for purchase ADUs, the specific dwelling units that will be provided as ADUs must be identified.
- F. **ADU Compatibility and Interspersion.** ADUs must be compatible with and interspersed among market rate dwelling units in the development. To demonstrate conformance with this requirement, each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles for the development must demonstrate the following:
1. **ADU Compatibility.** ADUs of a particular dwelling unit type must be similar to market rate dwelling units of the same dwelling unit type in width, depth, height, size, and exterior architectural treatment.
 - a. **Width.** For the purposes of subsection G.1.a., width is the distance across the front façade of a SFD, SFA, or MFS dwelling unit. To be considered similar in width, ADUs must meet at least 1 of the following criteria for the applicable dwelling unit type:
 1. SFD, SFA, and MFS ADUs are permitted to have a minimum width of 75% of the average width of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the ADU or ADU lot; or
 2. ADUs must be identical in width to market rate dwelling units. The same number of ADUs and market rate units with such identical width must be provided.
 - b. **Depth.** To be considered similar in depth, ADUs must meet at least 1 of the following criteria for the applicable dwelling unit type:
 1. SFD, SFA, and MFS ADUs are permitted to have a minimum depth of 85% of the average depth of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the ADU or ADU lot. The rears of abutting SFA or MFS market rate dwelling units in the same building as the SFA or MFS ADU with a reduced width must be staggered; or
 2. ADUs must be identical in depth to market rate dwelling units. The same number of ADUs and market rate units with such identical depth must be provided.
 - c. **Height.** To be considered similar in height, ADUs must meet at least 1 of the following criteria for the applicable dwelling unit type:
 1. SFD, SFA and MFS ADUs are permitted to have a height that is 90% of the height of SFD, SFA, or MFS market rate dwelling units. The heights of abutting SFA or MFS market rate dwelling units in the same building as the SFA or MFS ADU with a reduced height must be varied; or
 2. ADUs must be identical in height to market rate dwelling units. The same number of ADUs and market rate units with such identical height must be provided.
 - d. **Size.** To be considered similar in size, ADUs must meet the following criteria for the applicable dwelling unit type:
 1. SFD, SFA, and MFS ADUs that are smaller than an ADU meeting the decreased width of subsection F.1.a.1, the decreased depth of subsection F.1.b.1, and the decreased height of subsection F1.c.1 above are permitted if the same number of market rate dwelling units of the same dwelling unit type have the same square footage of livable space as the smaller ADUs.
 - a. Such smaller ADUs are not required to meet the width, depth, and height criteria of subsections G.1.a, G.1.b, and G.1.c.

2. ADUs must be identical in size to market rate dwelling units. The same number of ADUs and market rate units of such identical size must be provided.
- e. **Architectural Treatment.** To be considered similar in exterior architectural treatment, ADUs must meet the following criteria:
 1. ADUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.
 - a. Alternatively, ADUs may have front façade construction materials that are identical to market rate front façades when at least 25% of market rate dwelling units have the same front façade construction materials.
 2. ADUs must have the same variation in design elements, (e.g., varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc.) as those used in adjacent market rates dwelling units.
 - a. Alternatively, ADUs may have the same variation in design elements that is identical to market rate dwelling units when at least 25% of market rate dwelling units have the same variation of design elements.
 3. ADUs must have the same exterior features, (e.g., decks, fences, balconies) that are provided as a standard option for market rate dwelling units.
 4. Exterior doors for ADUs must be provided at the same story as the exterior doors for market rate dwelling units.
 5. Rear and side construction materials for ADUs must be comparable to rear and side construction materials used for market rate dwelling units.
 6. Garages must be provided for all ADUs that are adjacent to market rate dwelling units that have a garage and be of the same size as the adjacent market rate dwelling unit garages.
2. **ADU Interspersion.** ADUs must be interspersed among the market rate dwelling units in a development. To be considered interspersed, ADUs must meet the following criteria:
 - a. SFD ADUs must not be located on lots adjacent to other SFD ADUs.
 - b. SFA and MFS ADUs must not abut other SFA and MFS ADUs, respectively.
 - c. No more than 38% of the SFA or MFS dwelling units in an SFA or MFS building are permitted to be ADUs.
 - d. ADUs may be located directly across a road from each other or may back directly to each other across rear yards or common areas.
3. **Alternative ADU Design Option:** The Zoning Administrator may allow an Alternative ADU Design to meet the ADU Compatibility requirements in subsections F.1.a., F.1.b, F.1.c, and F.1.d and/or ADU Interspersion requirements in subsection F.2 on a case-by-case basis when a design proposal is determined to meet the intent of the ADU Compatibility and Interspersion requirements in subsection F.
 - a. Requests for an Alternative ADU Design to meet of the compatibility and/or interspersion requirements must provide the following information:
 1. A plan that identifies the location of the ADUs that are subject to the Alternative ADU Design and the remaining required ADUs.
 2. Elevation and plan view drawings of the ADUs that are subject to the Alternative ADU Design that depict the building materials, design elements, and building dimensions.
 3. Elevation and plan view drawings of the of the market rate dwelling units that depict the building materials, design elements, and building dimensions.
 4. A written justification that addresses the criteria in subsection F.3.b.

5. Additional information that the Zoning Administrator deems necessary to evaluate the Alternative ADU Design request.
- b. To approve the Alternative ADU Design request of the compatibility and/or interspersion requirements, the Zoning Administrator must find that the following criteria are met for the ADUs that are subject to the Alternative ADU Design request. The Zoning Administrator may forward a Alternative ADU Design request to ADUAB for comment and recommendation prior to issuing a decision.
 1. **Integration:** The ADUs are integrated into the development and not isolated and/or physically separated from the market rate dwelling units in the development.
 2. **Location:** The ADUs are located in the same general area as the market rate dwelling units, preferably proximate to transit, Commercial uses, and other essential services.
 3. **Building Materials and Design Elements:** The ADUs are designed with building materials and design elements that are consistent with the market rate dwelling units. The quality of construction and materials used in the ADUs is comparable to that of the market rate dwelling unit.
 4. **Size and Layout:** The ADUs are not significantly smaller or awkwardly shaped compared to the market rate dwelling units. Significantly smaller in this case is no more than 70% smaller than the average size of the market rate dwelling units that generated the required ADUs subject to the Alternative ADU Design request.
 5. **Amenities:** The ADUs have access to similar amenities as the market rate dwelling units. This could include access to common areas, open space, parking, and any other amenities provided to the residents of the market rate dwelling units.

Note: Graphics will be added to future draft versions of the Zoning Ordinance:

Examples of alternative ADU design options: 2 ADU townhouses in a row are designed to look like 1 larger townhouse in a row of SFA dwelling units AND

Condominiums provided in a building designed to appear as one SFD dwelling unit. This would only be permitted where both an SFD and some sort of MF or SFA unit type is allowed in the district.

- G. **Timing of Construction/Availability of ADUs.** The timing of construction and availability of ADUs in a development must be as follows:
 1. Occupancy permits for 50% of the ADUs must be issued prior to issuance of more than 50% of the occupancy permits for the market rate dwelling units in the development.
 2. Occupancy permits for 75% of the ADUs must be issued prior to issuance of more than 75% of the occupancy permits for the market rate dwelling units in the development.
 3. Occupancy permits for 100% of the ADUs must be issued prior to issuance of more than 90% of the occupancy permits for the market rate dwelling units in the development.
 4. The following information must be submitted with each request for final zoning inspection for a market rate dwelling unit in the development:
 - a. The total number of dwelling units, market rate dwelling units, and ADUs, UHNUs, and AHUs proposed for the development.
 - b. The number of occupancy permits issued for market rate dwelling units in the development.
 - c. The number of occupancy permits issued for ADUs, UHNUs, and AHUs in the development.
 - d. The legal description or unit number of each ADU, UHNU, and AHU for which an occupancy permit has been issued.
- H. **ADU Modifications.** Modifications of Section 9.01 are permitted as follows:

1. Modifications to subsections C.1 and C.2 and G.1, G.2, and G.3 are permitted pursuant Section 10.10.04.C and as follows:
 - a. All applications for a modification must be submitted in conjunction with the first Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision application for the development.
 - b. The ADUAB will review the modification application, and the criteria of subsections H.2.d. and H.4.a below, as applicable, and make its recommendation to the Planning Commission within 60 days of receipt of a complete application.
 - c. The Board of Supervisors must consider, upon recommendation of the Planning Commission, the criteria in subsections H.2.d. and H.4.a below, as applicable.
 - d. The time limits set forth in § 15.2-2259 and § 15.2-2260 of the Virginia Code will be suspended during the pendency of an application for modification filed pursuant to subsection H.
2. **Modifications to Subsection C.1 and C.2.** Modifications to subsections C.1 or C.2 are subject to the following:
 - a. The ratio of ADUs proposed to the optional density increase approved must be no less than 15% : 20% for SFD, SFA, and MFS dwelling unit developments, and 10% : 20% for MFA dwelling unit developments.
 - b. The total number of ADUs proposed must be no less than 5% of the total number of dwelling units within the development.
 - c. The applicant must provide a written justification that addresses subsection H.2.d with the application for modification.
 - d. In conjunction with modification of subsections C.1 of C.2, 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 ADUs, land, or contributions to Loudoun County equivalent to providing the required number of ADUs.
 - e. For applications for modification of subsections C.1 of C.2, the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding the following criteria:
 1. Whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County.
 2. The ability for the public facilities and services already developed to accommodate the maximum density increase permitted for providing ADUs.
 3. Existing unique or unusual site constraints, including but not limited to potential adverse impacts on environmental resources and features on the subject property and adjacent parcels, and the effect of soil conditions on construction costs.
 4. Unusual costs associated with development of the subject property.
 5. Overriding public needs, health issues, public safety issues, or public welfare issues that are better served by not providing the maximum number of ADUs otherwise required.
 6. For Zoning Concept Plan Amendment applications, whether a reduction in the previously approved Zoning Map Amendment's impact on public facilities would result, and whether the previously approved Zoning Map Amendment's proffer commitments exceed current adopted capital facility guidelines established in the General Plan.

Sample Calculation Showing the Ratio of Proposed ADUs to the Optional Density Increase is No Less than 15% : 20% Pursuant to Subsections I.2.a and I.2.b.

Total Dwelling Units: 100

<i>ADUs Proposed =</i>	5%
	$15\%/20\% = 5\%/x, x = 6.67\%$
	$100 \times 6.67\% = 106.67 \text{ dwelling units at } 15\%:20\% \text{ increase}$
	$106.67 \times 5\% = 5.3 \text{ ADUs at } 15\%:20\% \text{ ADU requirement}$
<i>Total ADUs Required:</i>	6 (round up from 5.3)
<i>Maximum Dwelling Units Permitted:</i>	106 (round down from 106.67)

3. **Modifications to Provide Cash in Lieu of ADUs in SFD Dwelling Unit Developments.** Notwithstanding subsections H.2.a and H.2.b above, developments that contains only SFD dwelling units may submit an application for a modification to subsection C.1 to provide cash in lieu of some or all of the ADUs required pursuant to subsection C.1. Such applications for a modification are subject to the following criteria:

- a. Cash provided in lieu of SFD ADUs must:
 - 1. Be a per ADU cash contribution of 100% of the construction cost of a prototypical SFD ADU.
 - a. The construction cost of a prototypical SFD ADU must be the vertical cost of an ADU.
 - b. The minimum number of bedrooms of the prototypical SFD ADU used to determine such vertical cost must be equal to the number of bedrooms provided for the predominant market rate SFD dwelling unit in the development as determined by the Zoning Administrator.
 - 2. Deposited in the Loudoun County Housing Trust Fund prior to the issuance of the first zoning permit for the development, or such other time that may be specified by the Board of Supervisors with the approval of the application for a modification.
 - 3. All cash provided in lieu of SFD ADUs made pursuant to subsection H.3 must be of a value calculated in current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County.

4. **Modifications to Subsection G.1, G.2, and G.3.** Modifications to subsections G.1, G.2, and/or G.3 are subject to the following:

- a. The applicant must provide a written justification, and the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding, the following criteria:
 - 1. Whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County.
 - 2. How the modification will affect the timing of construction and availability of ADUs compared to market rate dwelling units, and the risk that all required ADUs will not be provided.
 - 3. Whether there are any existing unique or unusual site constraints, including but not limited to the availability of utilities or infrastructure, that necessitate the modifications.
 - 4. Whether there are any unusual costs associated with development of the subject property in strict accordance with subsections G.1, G.2, and/or G.3 that would necessitate the modifications.
- b. All Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, and Preliminary Subdivision Plat applications for the development must provide the modified timing of construction and availability of ADUs compared to market rate dwelling units.

i. **Violations and Penalties.** In addition to enforcement under Section 10.14 the Zoning Administrator is authorized to pursue the following enforcement remedies whenever any person, whether an owner, lessee, principal, agent, employee, or otherwise, violates any provision of the ADU Program, or permits any such violation, or otherwise fails to comply with the requirements of the ADU Program:

- 1. Tenants of ADUs who fail to submit executed affidavits or certifications, as required by the ADU Program, are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.

2. Tenants of ADUs who falsely swear or who execute an affidavit or certification required by the ADU Program knowing the statements contained therein to be false are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
3. Owners of individual ADUs who falsely swear that they continue to occupy their respective ADU as their primary domicile will be subject to injunction or other suit, action, or proceeding to require such owner to either sell the ADU to someone who meets the eligibility requirements established pursuant to the ADU Program or to occupy such ADU as their principal domicile.

9.02 Unmet Housing Needs Unit Program

Purpose. *The purpose of the Unmet Housing Needs Unit (UHNU) Program is to:*

- *Complement the Affordable Dwelling Unit (ADU) Program by addressing housing affordable to families with incomes not addressed by the ADU Program to include 0% to 30% of area median income (AMI), which is the area of greatest need, and 70% to 100% of AMI.*
- *Promote the development of a full range of housing choices.*
- *Implement the Housing Policies of the General Plan.*

A. **Applicability.** The requirements of the UHNU Program apply as follows:

1. To UHNUs provided as part of an application for a Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision to comply with the following:
 - a. To achieve an adjusted FAR in the TDSA of the TRC Zoning District pursuant to Section 2.01.01.D.
 - b. To achieve an adjusted FAR in the TC Zoning District pursuant to Section 2.02.03.D.
 - c. To meet the Suburban Compact Neighborhood Alternative Location Criteria for locating the SCN Zoning District in the Suburban Neighborhood or Suburban Mixed Use Place Types of the General Plan pursuant to Section 2.02.02.G.1.
 - d. As a permitted adaptive reuse of a structure pursuant to Section 4.09.
 - e. As required when the Residential density exceeds 30 dwelling units per acre in the PD-MUB Zoning District pursuant to Section 2.02.05.11.I.
 1. UHNUs provided to meet the requirements of the PD-MUB Zoning District also are subject to subsection G, and in the event of any conflicts between subsection G and subsections B through F, subsection G supersedes such conflicting requirement.
 - f. To fulfill proffers approved as part of a Zoning Map Amendment or Zoning Concept Plan Amendment.
2. "Development" means a proposal to develop land or an act of developing land that meets, and thereby is subject to, subsection A.1 above.
3. **AHU Program.** An applicant may provide affordable housing units (AHU) in lieu of the UHNUs required by the UHNU Program in accordance with Section 9.03.
 - a. The dwelling unit type for the proposed AHUs must be permitted in the Zoning District where such AHUs will be located.

B. **Administration of Chapter 1450 of the Codified Ordinances.** All sections of Chapter 1450 of the Codified Ordinances apply to UHNUs except as follows:

1. For purposes of administering Chapter 1450 of the Codified Ordinances as applied to UHNUs, the terms "Affordable Dwelling Unit" and "ADU" are replaced with "Unmet Housing Needs Unit" and "UHNU," where appropriate.

2. **UHNU Program Income Requirements.** The income requirements referenced in Sections 1450.01, 1450.03.b, and 1450.05.c are replaced with the following income requirements applicable to UHNUs:
 - a. UHNUs are only permitted to be provided for the Area Median Income (AMI) ranges and tenancies in Table 9.02-1.
 - b. UHNUs in the PD-MUB Zoning District provided in accordance with subsection G must also meet the following requirements:
 1. If for rent UHNUs are provided, a minimum of 1/3 of the rental UHNUs must be affordable to households earning 30% or less of the AMI.
 2. If for purchase UHNUs are provided, a minimum of 1/3 of the for purchase UHNUs must be affordable to each of the following:
 - a. Households earning greater than 30% but less than 70% of the AMI; and
 - b. Households earning 70% or greater but no more than 100% of the AMI.

Table 9.02-1. UHNU Program Income Requirements	
Area Median Income (AMI) Range ¹	Tenancy
0% up to 30% PD-MUB Only: 0% up to 60%	For Rent
70% up to 100% PD-MUB Only: 30% up to 100%	For Purchase

¹The current AMI must be used to determine income requirements for UHNUs.

3. **UHNU Program Declaration Control Periods.** The sale and rental price control periods referenced in Section 1450.08 are replaced with the following sale and rental price control periods applicable to UHNUs:
 - a. **For Rent UHNUs.** Rents for rental UHNUs must be controlled for a period of at least 30 years from the date of the issuance of the occupancy permit for each for rent UHNU.
 - b. **For Purchase UHNUs.** Sales prices for UHNUs for purchase must be controlled for a period of at least 20 years after recordation of the deed from the initial sale of such UHNU, and an UHNU extended control period thereafter applies until the expiration of 50 years after such recordation.
- C. **Standards for UHNU Calculations.** To comply with the requirements in subsection A.1 above the required number of UHNUs is calculated as follows:
 1. **Subsection A.1.a.** Calculate the minimum number of UHNUs required by multiplying the applicable UHNU percentage requirement in Section 2.01.01.D, Table 2.01.01-2 by the total number of dwelling units proposed, including any ADUs and additional dwelling units provided pursuant to the optional density increase provided pursuant to Section 9.01.
 2. **Subsection A.1.b.** Calculate the minimum number of UHNUs required by multiplying the applicable UHNU percentage requirement in Section 2.02.03.D, Table 2.02.03-2, by the total number of dwelling units proposed, including any ADUs and additional dwelling units provided pursuant to the optional density increase provided pursuant to Section 9.01.
 3. **Subsection A.1.c.** Calculate the minimum number of UHNUs required by:
 - a. Determine the UHNU percentage requirements:
 1. Subtract the applicable single-family detached (SFD), single-family attached (SFA), and multifamily stacked (MFS) ADU percentage requirement in Section 9.01 from the Minimum Total SFD, SFA, and MFS ADU and UHNU Requirement in Section 2.02.02.G.1.a.
 2. Subtract the applicable multifamily attached (MFA) ADU percentage requirement in Section 9.01 from the Minimum Total MFA ADU and UHNU Requirement in Section 2.02.02.G.1.b.

- b. Determine the number of UHNUs required:
 - 1. Multiply the SFD, SFA, and MFS UHNU percentage requirement determined in subsection C.3.a.1 by the total number of SFD, SFA, and MFS dwelling units proposed, including any ADUs and additional dwelling units provided pursuant to the optional density increase provided pursuant to Section 9.01.
 - 2. Multiply the MFA UHNU percentage requirement determined in subsection C.3.a.2 by the total number of MFA dwelling units proposed, including any ADUs and additional dwelling units provided pursuant to the optional density increase provided pursuant to Section 9.01.
 - 3. Calculate any UHNUs required for MFA buildings exempt from the ADU Program pursuant to Section 9.01.A.3. by multiplying the MFA UHNU percentage requirement in Section 2.02.02.G.b. by the total number of MFA dwelling units exempt from the ADU Program.
- c. Add the results of subsections C.3.b.1, C.3.b.2, and C.3.b.3.
- 4. **Subsection A.1.d.** Pursuant to Section 4.09.D, Table 4.09-1, 100% of the dwelling units must be UHNUs.
- 5. **Subsection A.1.e.** Pursuant to subsection 9.02.G below.
- 6. **Subsection A.1.f.** Pursuant to the approved proffer to provide UHNUs.
- 7. When the calculation under subsection C results in a fraction or decimal, such fraction or decimal is interpreted as requiring 1 whole UHNU.
- 8. Calculations for the total number of dwelling units proposed and total required number of UHNUs must be included on each Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, or Subdivision Plat application.

Sample UHNU Calculation for Adjusted FAR in the TDSA of the TRC Zoning District Pursuant to Table 2.01.01-D.

<i>Dwelling Units (DU) Proposed:</i>	<i>250</i>
<i>UHNUs Required:</i>	<i>15% of Total DUs</i>
<i>Total UHNUs Required:</i>	<i>200 x 15% = 38 UHNUs Required (Rounded Up from 37.5)</i>
<i>Permitted FAR:</i>	<i>1.5 FAR</i>
<i>Permitted FAR with 15% Increase:</i>	<i>1.5 + (1.5 x 15%) = 1.8 FAR</i>

- D. **Designation of UHNUs on Site Plans and Subdivision Plats and Associated Construction Plans and Profiles.** Each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles must demonstrate that the required number and/or percentage of for-rent dwelling units and for-purchase dwelling units are being provided as UHNUs, and that such UHNUs meet the requirements of subsection E.
 - 1. If for-rent UHNUs are provided, a tabulation must be included that demonstrates the percentage of dwelling units and the number of each dwelling unit type that will be maintained as UHNUs.
 - 2. If for-purchase UHNUs are provided, the specific dwelling units that will be provided as UHNUs must be identified.

- E. **UHNU Compatibility and Interspersion.** UHNUs must be compatible with and interspersed among market rate dwelling units in the development. To demonstrate conformance with this requirement, each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles must demonstrate the following:
1. **UHNU Compatibility.** UHNUs of a particular dwelling unit type must be similar to market rate dwelling units of the same dwelling unit type in width, depth, height, size, and exterior architectural treatment.
 - a. **Width.** For the purposes of subsection E.1.a., width is the distance across the front façade of a SFD or SFA dwelling unit, or building that contains a MFS dwelling unit. To be considered similar in width, UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA, and MFS UHNUs are permitted to have a minimum width of 75% of the average width of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the UHNU or UHNU lot; or
 2. UHNUs must be identical in width to market rate dwelling units. The same number of UHNUs and market rate units with such identical width must be provided.
 - b. **Depth.** To be considered similar in depth, UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA, and MFS UHNUs are permitted to have a minimum depth of 85% of the average depth of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the UHNU or UHNU lot. The rears of abutting SFA or MFS market rate dwelling units in the same building as the SFA or MFS UHNU with a reduced width must be staggered; or
 2. UHNUs must be identical in depth to market rate dwelling units. The same number of UHNUs and market rate units with such identical depth must be provided.
 - c. **Height.** To be considered similar in height, UHNUs must meet at least 1 of the following criteria:
 1. SFD, SFA and MFS UHNUs are permitted to have a height that is 90% of the height of SFD, SFA, or MFS market rate dwelling units. The heights of abutting SFA or MFS market rate dwelling units in the same building as the SFA or MFS UHNU with a reduced height must be varied; or
 2. UHNUs must be identical in height to market rate dwelling units. The same number of UHNUs and market rate units with such identical height must be provided.
 - d. **Size.** To be considered similar in size, UHNUs must meet the following criteria:
 1. SFD, SFA, and MFS UHNUs that are smaller than an UHNU meeting each of the decreased width, depth, and height criteria of subsection G.1. above are permitted if the same number of market rate dwelling units of the same dwelling unit type have the same square footage of livable space as the smaller UHNUs.
 - a. Such smaller UHNUs are not required to meet the width, depth, and height criteria of subsections G.1.a, G.1.b, and G.1.c.
 2. UHNUs must be identical in size to market rate dwelling units. The same number of UHNUs and market rate units with such identical size must be provided.
 - e. **Architectural Treatment.** To be considered similar in exterior architectural treatment, UHNUs must meet the following criteria:
 1. UHNUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.
 - a. Alternatively, UHNUs may have front façade construction materials that are not identical to adjacent market rate dwelling unit front facades when at least 25% of the market rate dwelling units have the same front façade construction materials.
 2. UHNUs must have the same variation in design elements (e.g., varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc.) as market rates dwelling units.

- a. Alternatively, UHNUs may have the same variation in design elements that is identical to market rate dwelling units when at least 25% of market rate dwelling units have the same variation of design elements.
 3. UHNUs must have the same exterior features, (e.g., decks, fences, balconies) that are provided as a standard option for market rate dwelling units.
 4. Exterior doors for UHNUs must be provided at the same story as exterior doors for market rate dwelling units.
 5. Rear and side construction materials for UHNUs must be comparable to rear and side construction materials used for market rate dwelling units.
 6. Garages must be provided for all UHNUs that are adjacent to market rate dwelling units that have a garage and be of the same size as the garages for adjacent market rate dwelling units.
2. **UHNU Interspersion.** UHNUs must be interspersed among the market rate dwelling units. To be considered interspersed UHNUs must meet the following criteria:
- a. SFD UHNUs must not be located on lots adjacent to other SFD UHNUs.
 - b. SFA and MFS UHNUs must not abut other SFA and MFS UHNUs, respectively.
 - c. No more than 38% of the SFA and MFS dwelling units in an SFA or MFS building are permitted to be UHNUs.
 - d. UHNUs may be located directly across a road from each other or may back directly to each other across rear yards or common areas.
3. **Alternative UHNU Design Option.** The Zoning Administrator may allow an Alternative UHNU Design to meet the UHNU Compatibility requirements in subsections E.1.a., E.1.b, E.1.c, and E.1.d and/or UHNU Interspersion requirements in subsection E.2 on a case-by-case basis when a design proposal is determined to meet the intent of the UHNU Compatibility and Interspersion requirements in subsection E.
- a. Requests for an Alternative UHNU Design to meet of the compatibility and/or interspersion requirements must provide the following information:
 1. A plan that identifies the location of the UHNUs that are subject to the Alternative UHNU Design and the remaining required UHNUs.
 2. Elevation and plan view drawings of the UHNUs that are subject to the Alternative UHNU Design that depict the building materials, design elements, and building dimensions.
 3. Elevation and plan view drawings of the of the market rate dwelling units that depict the building materials, design elements, and building dimensions.
 4. A written justification that addresses the criteria in subsection E.3.b.
 5. Additional information that the Zoning Administrator deems necessary to evaluate the Alternative UHNU Design request.
 - b. To approve the Alternative UHNU Design request of the compatibility and/or interspersion requirements, the Zoning Administrator must find that the following criteria are met for the UHNUs that are subject to the Alternative UHNU Design request. The Zoning Administrator may forward a Alternative UHNU Design request to ADUAB for comment and recommendation prior to issuing a decision.
 1. **Integration:** The UHNUs are integrated into the development and not isolated and/or physically separated from the market rate dwelling units in the development.
 2. **Location:** The UHNUs are located in the same general area as the market rate dwelling units, preferably proximate to transit, Commercial uses, and other essential services.

3. **Building Materials and Design Elements:** The UHNUs are designed with building materials and design elements that are consistent with the market rate dwelling units. The quality of construction and materials used in the UHNUs is comparable to that of the market rate dwelling unit.
4. **Size and Layout:** The UHNUs are not significantly smaller or awkwardly shaped compared to the market rate dwelling units. Significantly smaller in this case is no more than 70% smaller than the average size of the market rate dwelling units that generated the required UHNUs subject to the Alternative UHNU Design request.
5. **Amenities:** The UHNUs have access to similar amenities as the market rate dwelling units. This could include access to common areas, open space, parking, and any other amenities provided to the residents of the market rate dwelling units.

F. Timing of Construction/Availability of UHNUs. Timing of construction and availability of UHNUs must be as follows:

1. Occupancy permits for 50% of the UHNUs must be issued prior to issuance of more than 50% of the occupancy permits for market rate dwelling units in the development.
2. Occupancy permits for 75% of the UHNUs must be issued prior to issuance of more than 75% of the occupancy permits for market rate dwelling units in the development.
3. Occupancy permits for 100% of the UHNUs must be issued prior to issuance of more than 90% of the occupancy permits for market rate dwelling units in the development.
4. The following information must be included with each request for final zoning inspection for a market rate dwelling unit within the development:
 - a. The total number of dwelling units, market rate dwelling units, and UHNUs, ADUs, and AHUs proposed for the development.
 - b. The number of occupancy permits issued for market rate dwelling units in the development.
 - c. The number of occupancy permits issued for UHNUs, ADUs, and AHUs in the development.
 - d. The legal description or unit number of each UHNU, ADU, and AHU for which an occupancy permit has been issued.

G. Density and FAR Increase for Required UHNUs in the PD-MUB Zoning District. When UHNUs are required pursuant to Section 2.02.05.11.I, the development is permitted a density increase in accordance with Table 9.02-2, Column B, and an FAR increase in accordance with Table 9.02-2, Column D.

1. All applications submitted pursuant to subsection G must designate which dwelling unit type(s) will receive the density increase and FAR increase.

Table 9.02-2. PD-MUB Density Increase and FAR Increase for Required UHNUs

Column A	Column B	Column C	Column D
Dwelling Unit Type	Density Increase	Required Percentage of Dwelling Units to be Provided as UHNUs	FAR Increase
MFA Dwelling Units	20%	6.25%	Increase maximum FAR permitted by 0.2
MFS Dwelling Units	10%	6.25%	Increase maximum FAR permitted by 0.1
SFD and SFA Dwelling Units	10%	6.25%	Increase maximum land area permitted for SFA dwelling units and SFD dwelling units under Section 2.02.05.11.I by 2% of total district size

(SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)

2. **Calculation of Density Increase.** Multiply the number of dwelling units proposed for a particular dwelling unit type (Column A of Table 9.02-2) prior to compliance with Section 9.01 by the corresponding Density Increase (Column B of Table 9.02-2) for that dwelling unit type. The resulting number is the total number of additional dwelling units permitted for that dwelling unit type in the PD-MUB Zoning District.
 - a. The cumulative number of additional dwelling units is not permitted to cause the residential density of the PD-MUB Zoning District to exceed 54 dwelling units per acre, including any density increase that may be provided pursuant to Section 9.01.
 1. If additional dwelling units cause an application to exceed the upper density limit set forth in the General Plan, then the upper density limit set forth in the General Plan applicable to the area subject to the application will be increased by the total number of additional dwelling units calculated pursuant to subsection G.
3. **Calculation of Required UHNUs.** Multiply the number of dwelling units proposed for a particular dwelling unit type (Column A of Table 9.02-2) prior to compliance with Section 9.01 by the Required Percentage of Dwelling Units to be Provided as UHNUs (Column C of Table 9.02-2) for that dwelling unit type. The resulting number is the minimum number of dwelling units that must be provided as UHNUs for that dwelling unit type in the PD-MUB Zoning District.
4. Nothing in subsection G will be construed to prohibit the following, provided the maximum density of the PD-MUB Zoning District does not exceed 54 dwelling unit per acre:
 - a. An applicant's voluntary provision of ADUs pursuant to Section 9.01.C.4.
 - b. An application from providing more than the number of UHNUs required for the income ranges specified in subsection B.1 provided the application is in conformance with subsection G and Section 9.01.
- H. **UHNU Modifications.** Modifications to subsections F.1, F.2, and F.3 are permitted pursuant Section 10.10.04.C and as follows:
 1. All applications for a modification must be submitted in conjunction with the first Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision application for the development.
 2. The ADUAB will review the modification application, and the criteria of subsection H.5 below and make its recommendation to the Planning Commission within 60 days of receipt of a complete application.
 3. The Board of Supervisors must consider, upon recommendation of the Planning Commission, the criteria in subsections H.5.
 4. The time limits set forth in § 15.2-2259 and § 15.2-2260 of the Virginia Code will be suspended during the pendency of an application for modification filed pursuant to subsection H.
 5. The applicant must provide a written justification, and the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding, the following criteria:
 - a. Whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County.
 - b. How the modification will affect the timing of construction and availability of ADUs compared to market rate dwelling units, and the risk that all required ADUs will not be provided.
 - c. Whether there are any existing unique or unusual site constraints, including but not limited to the availability of utilities or infrastructure, that necessitate the modifications.
 - d. Whether there are any unusual costs associated with development of the subject property in strict accordance with subsections F.1, F.2, and/or F.3 that would necessitate the modifications.

- e. All Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, and Preliminary Subdivision Plat applications for the development must provide the modified timing of construction and availability of UHNUs compared to market rate dwelling units.
- i. **Violations and Penalties.** In addition to enforcement under Section 10.14, the Zoning Administrator is authorized to pursue the following enforcement remedies whenever any person, whether an owner, lessee, principal, agent, employee, or otherwise, violates any provision of the UHNU Program, or permits any such violation, or otherwise fails to comply with any of the requirements hereof:
 4. Tenants of UHNUs who fail to submit executed affidavits or certifications, as required by the UHNU Program, are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
 5. Tenants of UHNUs who falsely swear or who execute an affidavit or certification required by the UHNU Program knowing the statements contained therein to be false are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
 6. Owners of individual UHNUs who falsely swear that they continue to occupy their respective UHNU as their primary domicile will be subject to injunction or other suit, action, or proceeding to require such owner to either sell the UHNU to someone who meets the eligibility requirements established pursuant to the UHNU Program or to occupy such UHNU as their principal domicile.

9.03 Affordable Housing Unit Program

Purpose. *The purpose of the Affordable Housing Units (AHU) Program is to establish regulations for AHUs when an applicant provides AHUs in lieu of required Affordable Dwelling Units (ADU) or Unmet Housing Needs Units (UHNU).*

- A. **Applicability.** The requirements of the AHU Program apply to AHUs provided in lieu of required ADUs and/or UHNUs as part of an application for a Site Plan or Subdivision pursuant to Sections 9.01.A.4 and 9.02.A.2. as follows:
 1. The total number of AHUs provided must be equal to or greater than the total number of required ADUs and UHNUs for the development. "Development" means a proposal to develop land or an act of developing land that meets, and thereby is subject to, subsection A.1 above.
 - a. A development that provides a fewer number of AHUs than the total number of ADUs required under Section 9.01.C and UHNUs required under Section 9.02.C must provide a sufficient number of additional ADUs or UHNUs, as applicable, to make up the difference.
 2. A development that provides AHUs to satisfy the ADU Program requirements is permitted an optional density increase in accordance with Section 9.01.C.3.
 3. A development that provides AHUs to satisfy the UHNU Program requirements is permitted to count such AHUs as UHNUs for the purpose of compliance with the requirements listed in Sections 9.02.A.1.
- B. **AHU Program Income Requirements.** The rents and sales prices for AHUs provided must be in accordance with the rules and regulations governing the applicable AHU funding programs and AHUs must be marketed in accordance with the applicable AHU funding program's rules and regulations.
- C. **AHU Program Development Requirements.** The following requirements apply to any development that provides AHUs pursuant to this section:
 1. The applicant must provide written verification to the Zoning Administrator from the applicable AHU funding program of the approval of funding to provide AHUs. Until such written verification is provided by the applicant, only ADUs are permitted to be provided to meet the requirements of the ADU Program and only UHNUs are permitted to be provided to meet the requirements of the UHNU Program.
 2. **Designation of AHUs on Site Plans and Subdivision Plats and Associated Construction Plans and Profiles.** Approved Site Plans and Subdivision Plats and associated Construction Plans and Profiles must:
 - a. Identify the specific number and location of buildings that are to contain AHUs.

- b. Include a tabulation demonstrating that the total number of AHUs, ADUs and/or UHNUs provided satisfies the total number of ADUs and UHNUs required by Section 9.01.D and Section 9.02.C, respectively.
3. **Timing of Construction/Availability of AHUs.** In a development that contains single-family detached (SFD), single-family attached (SFA), multifamily stacked (MFS), or multifamily attached (MFA) dwelling units, the timing of construction and availability of AHUs must be as follows:
 - a. **For MFA AHUs:**
 1. All inspections for the base building and individual dwelling units necessary to allow close-in of the building must be completed prior to issuance of more than 50% of the occupancy permits for the market rate dwelling units in the development.
 - b. **For SFD, SFA, or MFS AHUs:**
 1. Occupancy permits for 50% of the AHUs must be issued prior to issuance of more than 50% of the occupancy permits for the market rate dwelling units in the development.
 2. Occupancy permits for 75% of the AHUs must be issued prior to issuance of more than 75% of the occupancy permits for the market rate dwelling units in the development.
 3. Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 90% of the occupancy permits for the market rate dwelling units in the development.
 - c. The following information must be submitted with each final zoning inspection request for a market rate dwelling unit within the development:
 1. The total number of dwelling units, market rate dwelling units, and AHUs, ADUs, and UNHUs proposed for the development.
 2. The number of occupancy permits issued for market rate dwelling units within the development.
 3. The number of occupancy permits issued for AHUs, ADUs, and UNHUs within the development.
 - d. The legal description or unit number of each AHU, ADU, and UNHU for which an occupancy permit has been issued.
4. **AHU Compatibility.** Buildings containing AHUs must not be discernable as attainable housing or from market rate dwelling units in the development. To ensure AHUs are not discernable, the following applies:
 - a. **MFA AHU Buildings.** When the AHU building is a MFA building, then the following applies:
 1. When 1 MFA building is provided in a development and it is the AHU MFA building, then the following applies:
 - a. Each elevation of such AHU MFA building must be similar in building materials, design, and architectural features. Elements used to differentiate the front facade of such buildings are not required on each elevation.
 - b. Each elevation of such AHU MFA building must be composed predominately of primary building materials, with secondary building materials limited to accents or subordinate elements of each elevation, as follows:
 - A. Permitted primary building materials include:
 1. Brick
 2. Concrete masonry units, split faced or burnished
 3. Glass - clear
 4. Glass - architectural panels
 5. Metal panels
 6. Stone or synthetic equivalent

7. Tile masonry or terra cotta
 8. Stucco or EIFS (reinforced)
 - B. Permitted secondary building materials include:
 1. Brick - panel/veneer, imprint or overlay system
 2. Concrete masonry units, flush/plain, split faced, or burnished
 3. Cementitious siding or cement fiber board
 4. Gypsum reinforced fiber concrete
 5. Wood siding
 6. Metal panels
 7. Cast stone
 8. Composite wood trim
 9. Fiber reinforced plastic
 10. Pre-cast concrete (trim and cornice elements only)
 - C. Additional materials not listed in subsection C.4.a.2 are permitted if the Zoning Administrator determines that they are similar in appearance and quality to the listed materials.
2. When more than 1 MFA building is provided in a development, the AHU MFA building(s) must utilize the same exterior building materials and be of a similar architectural style to the market rate MFA building(s) in the development.
- b. **SFD, SFA, and MFS AHUs:** When the AHUs are provided as a SFD, SFA, or MFS dwelling units, then the AHUs must utilize the same exterior building materials and be of a similar architectural style to the market rate dwelling unit(s) of the same dwelling unit type in the development.
 - c. Plans demonstrating that the AHUs are in conformance with the requirement of subsection C.4 must be provided to the Zoning Administrator prior to approval of the first Site Plan and/or Subdivision Plat and associated Construction Plans and Profiles for the AHUs.
 - d. **Exception.** AHUs approved for certain funding sources are not required to meet the requirements of subsection C.4. as follows:
 1. Written documentation demonstrating the approval of such funding sources must be provided prior to approval of the first Site Plan and/or Subdivision Plat and associated Construction Plans and Profiles for the AHUs.
 2. Applicable funding sources include:
 - a. AHUs approved for the Loudoun County Affordable Multifamily Loan Program.
 - b. AHUs approved by the following AHU funding programs:
 - A. Low Income Housing Tax Credit (LIHTC) - 9% award only.
 - B. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan Program.
 - C. USDA Section 538 Multifamily Guaranteed Rural Rental Housing Program.

A

Affordable Dwelling Unit (ADU): A dwelling unit for rent or for sale that is regulated pursuant to [Section 9.01](#) and [Chapter 1450](#) of the Codified Ordinances.

Affordable Dwelling Unit (ADU) Program: The ADU Program governs the provision and administration of ADUs, establishment of ADU prices and price controls, eligibility requirements for the ADU Program, and the structure and operation of the Affordable Dwelling Unit Advisory Board (ADUAB). The ADU Program is implemented pursuant to [Section 9.01](#), and [Chapter 1450](#) of the Codified Ordinances of Loudoun County.

Affordable Housing Unit (AHU): A dwelling unit for rent or for sale developed pursuant to one of the following funding programs:

- A. Virginia Housing Development Authority (VHDA) (also known as Virginia Housing) Low Income Housing Tax Credit (LIHTC) Program.
- B. Section 8 New Construction (New Construction), Substantial Rehabilitation (Substantial Rehabilitation) and/or Loan Management Set-Aside (LMSA) Program (also referred to as Section 8 project-based rent assistance).
- C. HUD Section 202 Supportive Housing for the Elderly Program.
- D. HUD 811 Supportive Housing for Persons with Disabilities Program.
- E. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan Program.
- F. USDA Section 538 Multifamily Guaranteed Rural Rental Housing Program.
- G. Virginia Department of Housing and Community Development (DHCD) programs administering National Housing Trust Fund monies, State Housing Trust Fund monies, or federal HOME funds.
- H. Other similar funding programs as approved by Zoning Administrator in consultation with the Loudoun County Department of Housing and Community Development.

Affordable Housing Unit (AHU) Program. The AHU Program governs the provision and administration of AHUs. The AHU Program is implemented pursuant to [Section 9.03](#).

Area Median Income (AMI): The annually estimated area median income developed by the United States Census Bureau for the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro Fair Market Rent (FMR) Area (DC-VA-MD FMR Area) as determined by the Office of Management and Budget (OMB) and used by the Department of Housing and Urban Development (HUD), Virginia Housing Development Authority (VHDA) (also known as Virginia Housing) and other State agencies, and local governments to determine eligibility for assisted housing programs for an area. Loudoun County is part of the DC-VA-MD FMR Area. Also known by HUD as Area Median Family Income (AMFI).

U

Unmet Housing Needs Unit (UHNU): A dwelling unit for rent or for sale that is regulated pursuant to [Section 9.02](#).

Unmet Housing Needs Unit (UHNU) Program: The UHNU Program governs the provision and administration of UHNUs. The UHNU Program is implemented pursuant to [Section 9.02](#), and applicable sections of [Chapter 1450](#) of the Codified Ordinances of Loudoun County.

V

Vertical Cost: The cost of constructing a prototypical single-family detached (SFD) affordable dwelling unit (ADU) as established on a semiannual basis by the Affordable Dwelling Unit Advisory Board (ADUAB). Vertical cost does not include the cost of land for the ADU.

CHAPTER 9: ATTAINABLE HOUSING

Contents:

- 9.01 Affordable Dwelling Unit Program
- 9.02 Unmet Housing Needs Unit Program
- 9.03 Affordable Housing Unit Program

9.01 Affordable Dwelling Unit Program

Purpose. The purpose of the Affordable Dwelling Unit (ADU) Program is to:

- ~~Administer and regulate~~Establish an Affordable Dwelling Unit (ADU) Program ~~enabled pursuant to § 15.2-2304 of the Code of Virginia § 15.2-2304.~~
 - Assist in the provision of housing to persons of moderate income: identified as incomes between 30% and 70% of the area median income (AMI).
 - Promote the development of a full range of housing choices.
 - Implement the Housing Policies of the General Plan.
 - Require the construction and continued existence of moderately priced dwelling units.
 - Provide for optional increases in density to reduce land costs for the construction of moderately priced dwelling units.
 - ~~Encourage the provision of affordable housing meeting the needs of households with incomes between 30% and 70% of the area median income (AMI), including in areas currently served by or planned for mass transit and proximate to major employment centers.~~
 - ~~Implement the Housing Policies of the General Plan.~~
- A. **Applicability.** The requirements of the ADU Program apply as follows:
1. ~~To any site, or portion thereof, at one location.~~ any subject property that is:
 - a. Served by public water and sewer; ~~and,~~
 - b. The subject of ~~a development application~~ one or more applications for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, ~~Subdivision Plat,~~ or Preliminary Subdivision Plat that ~~yields either individually or collectively will yield~~ 24 or more dwelling units.
 1. For any such application that will individually yield fewer than 24 dwelling units, the owner must provide a written agreement that any subsequent application(s) that would cause the development to have a collective yield of 24 or more dwelling units will meet the requirements of the ADU Program. The owner's written agreement must be:
 - a. Recorded among the land records of Loudoun County, Virginia, and indexed in the names of all owners of the subject property.
 - b. Included on all approved Concept Development Plans, Special Exception Plats, Site Plans, Subdivision Plats, and Preliminary Subdivision Plats for the development.
 2. **Definitions.** For the purposes of ~~these ADU Program requirements~~ Section 9.01 the following definitions apply:
 - a. "Development" refers to an application or means a proposal meeting subsections A.1.a. and A.1.b. above, to the subject property to which such application develop land or proposal refers to, or to the an act of developing such land that meets, and thereby is subject to, subsection A.1 above.
 - a. ~~"Subject property.~~

- b. "Site" means any site, or portion thereof, at one single location" and includes all adjacent developable land of the property owner, or under common ownership with and/or control of the owner.
1. "Owner-" includes applicants the owner of the subject property, an applicant for development of the subject property, or members of the owner's and/or applicant's immediate family, and/or a lending institution that has acquired a fee interest in the subject property due to foreclosure or project participation; and does not include a lending institution that has acquired an equity interest in the subject property solely by virtue of its agreement to provide financing.
- a. "Immediate family" includes the owner's and/or applicant's spouse, children, parents, and siblings.
- A. **Exception.** Adjacent parcels of developable land owned that have been under separate ownership by immediate family members are exempt from the provisions of the ADU Program when the separate ownership has existed for a period of 5 or more years are not considered part of the subject property.
- b. "Lending institution" means a pension fund, bank, savings and loan, insurance company, or similar entity.
2. "Common ownership with and/or control of the owner" includes, but is not limited to, land owned and/or controlled by a separate partnerships, land trusts, trusts, or corporations and partnership, corporation, or other such forms of business entities entity in which the owner owns has ownership of 1% or more of the stock, partnership, membership, or equity, or a land trust or trust in which the owner is the trustee or beneficiary.
- a. In determining applicability of this ADU Program, the acquisition of a fee interest by a lending institution, such as a pension fund, bank, savings and loan, insurance company, or similar entity due to foreclosure or project participation is considered as ownership.
- A. Exception. The acquisition of an equity interest by a lending institution, such as a pension fund, bank, savings and loan, insurance company, or similar entity solely by virtue of its agreement to provide financing does not constitute ownership in determining applicability.
3. Phased Development. An owner will not be exempt from the ADU Program requirements by submitting phased development applications for a site, or portion thereof, at one location for Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat for less than 24 dwelling units at any one time.
- a. Exception. An owner may apply for a Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat of a site, or portion thereof, at one location for less than 24 dwelling units if the owner agrees, in writing, that any following development application for the site, or portion thereof, at one location must meet the requirements of the ADU Program when the total number of dwelling units in the development application and/or site, or portion thereof, at one location meets or exceeds 24 dwelling units.
- b. The agreement referenced in subsection A.3.a must be:
1. Included on the approved Concept Development Plan, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat for the development; and
2. Recorded among the Loudoun County Land Records and must be indexed in the names of all owners of the site, or portion thereof.
4. Exemptions. MFA Building Exemption. The requirements of the ADU Program do not apply to the following:
- a.3. Any dwelling units in any multistory structure of which building that has a minimum of 48 stories are composed entirely of multifamily dwellings attached (MFA) dwelling units and/or facilities (excluding parking) restricted for the exclusive use and enjoyment of the residents of such multifamily dwellings MFA

dwelling units, and ~~has~~ an elevator(s) that serves 2 or more dwelling units in the structure. ~~Note: The County directed staff to commence a study to determine the feasibility of deleting the ADU Program exemption for multifamily (MF) dwelling structures and develop new regulations for MF dwelling structures under the ADU Program as a priority of the Zoning Ordinance Rewrite. Findings of that study could result in changes to this exemption. See June 2, 2020 Board Business Item — TLUC Report: ZOAM 2017-0001 Housing Affordability ZOAM building.~~

~~5.4.~~ **AHU Program.** An applicant may provide affordable housing units (AHU) in lieu of the ADUs required by the ADU Program in accordance with Section 9.03.

~~B.~~ **Administration and Enforcement.** ~~The administration and enforcement of the ADU Program is as follows:~~

- ~~1.~~ The Zoning Administrator administers and enforces the provisions of the ADU Program.
- ~~2.~~ In addition to the ADU Program provisions of Section 9.01, all ADUs must comply with Chapter 1450 of the Codified Ordinances of Loudoun County (Codified Ordinances).
 - ~~a.~~ The administration, establishment of ADU prices, price controls, eligibility requirements for the ADU Program, and the structure and operation of the Affordable Dwelling Unit Advisory Board (ADUAB) are governed by the Codified Ordinances.

~~C.B.~~ **ADU Income Requirements.** ~~The ADUs must be only permitted to be provided based on for the Area Median Income (AMI) ranges and type of tenancy tenancies in Table 9.01-1.~~

Area Median Income (AMI) Tier Range¹	Type of Tenancy
30% up to 50%	For Rent
30% up to 70%	For Purchase

¹The current AMI must be used to determine income requirements for the ADUs.

~~D.C.~~ **ADU Program Requirements Required Number of ADUs and Optional Increases in Density Increase.** ~~The ADU Program requirements required number of ADUs according to dwelling unit type and optional increases in density apply increase for a development are as follows:~~

- ~~1.~~ **ADUs Required Number of ADUs for SFD, SFA, MFS Developments.** ~~When a development subject to the ADU Program pursuant to subsection A.1 above requests approval development, or portion thereof, composed of single-family detached dwelling units (SFD), single-family attached dwelling units (SFA), and/or multifamily stacked (MFS) dwelling units, must provide a minimum of 15% of the approved total number of SFD, SFA, and/or MFS dwelling units approved for, including any dwelling units to be provided pursuant to the development must be optional density increase allowed under subsection C.3, as ADUs.~~
 - ~~a.~~ Calculate the required number of SFD, SFA, and/or MFS ADUs under subsection C.1 by multiplying the total number of SFD, SFA, and/or MFS dwelling units by the percentage of ADUs required.
- ~~2.~~ **Required Number of ADUs for MFA Developments.** ~~When a development subject to the ADU Program pursuant to subsection A.1 above requests approval of multifamily attached (A development, or portion thereof, composed of MFA) dwelling units, must provide a minimum of 10% of the approved total number of MFA dwelling units approved for, including any dwelling units to be provided pursuant to the development must be optional density increase allowed under subsection C.3, as ADUs.~~
 - ~~a.~~ Calculate the required number of MFA ADUs required under subsection C.2 by multiplying the total number of MFA dwelling units by the percentage of ADUs required in subsection C.2.
- ~~3.~~ **Optional Density Increase.** ~~When a development meets/provides the ADU Program requirements by providing 15% of the total applicable number of SFD, SFA, ADUs required by subsections C.1 and/or MFS dwelling units and/or 10% of the MFA dwelling units approved for the development as ADUs, C.2, the development, at the~~

discretion of the owner, is permitted an optional 20% maximum density increase, ~~including the required number of ADUs,~~ as provided in Table 9.01-2.

a. Calculate the optional density increase as follows:

1. Determine the base density by multiplying the maximum permitted density (dwelling units per acre or FAR) by the area of the development.
2. Determine the maximum density permitted with the optional density increase by multiplying the base density by 20% and adding the result to the base density.
 - a. For density in dwelling units per acre, when the calculation results in a fraction or decimal, round down to the nearest whole number to determine the maximum number of dwelling units permitted.

b. If a density increase pursuant to subsections C.3 or C.4.a.1 exceeds the maximum residential density set forth in the General Plan, then the maximum residential density set forth in the General Plan applicable to the development will be increased up to 20% for the purposes of calculating the potential density that may be approved by the Board of Supervisors.

4. Voluntary Provision of ADUs for *an Exempt Development*. ~~In the case where~~ **MFA Building Exemptions.** ADUs ~~are provided in exempt MFA buildings pursuant to subsection A.43 above, are subject to~~ the following provisions apply:

a. The ADU requirements of subsections DC.1 and DC.2 and the density increase in subsection DC.3 do not apply. The ADU requirement and density increase are as follows:

1. The density of a development subject to Maximum density in dwelling units per acre (residential density) or floor area ratio (FAR) is permitted to be increased by up to 20%.
- ~~1. If the voluntary provision of ADUs may be increased between 10% to 20%.~~
2. Of any results in an increase in residential density, then of the additional dwelling units approved pursuant to the 10% to 20% density increase, not less than subsection C.4.a.1, at a minimum a percentage of dwelling units equal to the density increase percentage that the density was increased by must be provided as ADUs.

~~b. The applicant is not permitted to request cash or land in lieu of SFD ADUs pursuant to subsection J.7 below.~~

3. If the voluntary provision of ADUs results in an increase in FAR, then of the additional dwelling units provided in the increased FAR approved pursuant to subsection C.4.a.1, at a minimum a percentage of dwelling units equal to the percentage that the FAR was increased by must be provided as ADUs.

5. Additional Requirements. When calculating the required number of ADUs and optional density increase, the following applies:

- a. When the calculation under subsections C.1.a, C.2.a, C.4.a.2, or C.4.a.3 results in a fraction or decimal, such fraction or decimal is interpreted as requiring 1 whole ADU.
- b. Calculations for the total number of dwelling units proposed, including any additional dwelling units provided pursuant to the optional density increase, and total required number of ADUs must be included on each Concept Development Plan, Special Exception Plat, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat for the development.

Sample ADU Calculation Pursuant to Subsection C.1 for Voluntary Provision of ADUs for a 15022.5-Acre ~~Development~~ Parcel in the SN District.

Permitted Density:

Dwelling Units (DU) Permitted:

Total DUs Due to Voluntary ADUs

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Density % Increase

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Table 9.01-2 Maximum Optional Density Increase by Zoning District¹

Zoning District	Permitted Density ²	Maximum Permitted Density ³ 20% Density Increase with 15% SFD, SFA, and/or MFA ADUs	Maximum Permitted Density ³ 20% Density Increase with 10% MFA ADUs
PD-TRC	Inner and Outer Core: No Maximum TDSA: 1.5 FAR	Inner and Outer Core: No Maximum TDSA: 1.8 FAR	Inner and Outer Core: No Maximum TDSA: 1.8 FAR
SN-4	4	4.8	N/A
SN-6	6	7.2	N/A
SCN-8/R-8	8	9.6	N/A
SCN-16/R-16	16	19.2	19.2
SCN-24/R-24	24	28.8	28.8
PD-TC	1.0 FAR	1.2 FAR	1.2 FAR
PD-AAAR	30	36	36
PD-MUB	Prior to Establishment of Bus Service: 20 After Establishment of Bus Service: 30	Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36	Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36
TR-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
TR-3	1 du per 3 acres	1.2 du per 3 acres	N/A
TR-10	1 du per 10 acres	1.2 du per 10 acres	N/A
TSN	4	4.8	N/A
TCN	5	6	N/A
TR-2	1 du per 20,000 sf	1.2 du per 20,000 sf	N/A
CR-1/R-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A

Table 9.01-2 Maximum Optional Density Increase by Zoning District¹

Zoning District	Permitted Density ²	Maximum Permitted Density ³ 20% Density Increase with 15% SFD, SFA, and/or MFS ADUs	Maximum Permitted Density ³ 20% Density Increase with 10% MFA ADUs
CR-2/R-2	1 du per 20,000 sf	1.2 du per 20,000 sf	N/A
CR-3/R-3	1 du per 15,000 sf	1.2 du per 15,000 sf	N/A
CR-4/R-4	1 du per 10,000 sf	1.2 du per 10,000 sf	N/A
JLMA-1	1 du per 40,000 sf	1.2 du per 40,000 sf	N/A
JLMA-2	1 du per 20,000 sf	1.2 du per 20,000 sf	N/A
JLMA-3	1 du per 3 acres	1.2 du per 3 acres	N/A
JLMA-20	1 du per 20 acres	1.2 du per 20 acres	N/A

(du = dwelling unit; sf = square feet; SFD = single family detached; SFA = single family attached; MFS = multifamily stacked; MFA = multifamily attached)
¹If the optional density increase exceeds the maximum residential density set forth in the General Plan, then the maximum residential density set forth in the General Plan applicable to the development will be increased up to 20% pursuant to Table 9.01-2 for the purposes of calculating the potential density that may be approved by the Board of Supervisors.
²Density is in dwelling units per acre unless otherwise noted.

E. Standards for ADU Calculations. Each development subject to the ADU Program must calculate required ADUs and optional density increase, as well as demonstrate the calculations, as follows:

1. Determine the maximum number of dwelling units proposed, including any dwelling units allowed by the optional density increase in subsection D.3.
2. Calculate the ADUs required pursuant to subsections D.1 and/or D.2, whichever is applicable, using the total number of dwelling units proposed.
 - a. When the calculation of required ADUs results in a requirement of a fractional ADU, any fraction is interpreted as 1 whole ADU.
 - b. The required number of ADUs may be modified pursuant to the provisions of subsection J below.
3. Demonstrate the optional density increase, total number of dwelling units proposed, and total number of ADUs required on each Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat application.

Sample ADU Calculation for 22.5 Acre Parcel in the SN District.

Permitted Density: 4 Dwelling Units (DU) per Acre

Dwelling Units (DU) Permitted: $22.5 \times 4 = 90$ SFD, SFA, and/or MFS DUs

ADUs Required: 15% of Total DUs

No Optional 20% Density Increase: $90 \times 15\% = 14$ ADUs Required (Rounded Up from 13.5)

Optional 20% Density Increase: $90 + (90 \times 20\%) = 108$ Total DUs

Permitted Density: $108 / 22.5 = 4.8$ DUs per Acre

Total ADUs Required: $108 \times 15\% = 17$ ADUs Required (Rounded Up from 16.2)

F. Calculating Required ADUs by Dwelling Unit Type. Each development subject to the ADU Program must provide required ADUs by dwelling unit type, as well as demonstrate the calculations, as follows:

1. When a development includes a mix of dwelling unit types, the required ADUs must be provided proportionately to the dwelling unit types of market rate dwelling units proposed in the development.
2. When a development application for MFS or MFA dwelling units includes a mix of dwelling unit sizes, the required ADUs must be provided proportionately to the sizes of market rate dwelling units proposed in the development. In MFS and MFA dwelling units, dwelling unit size is determined by the number of bedrooms.

- a. ~~"Dwelling unit type" as used in subsections F and G also includes "dwelling unit size."~~
- 3. ~~ADUs are not permitted to be provided in a dwelling unit type that is not also provided as a market rate unit in the development.~~
 - a. ~~**Exception.** If AHUs are substituted for ADUs pursuant to Section 9.03, then this requirement does not apply. However, the proposed AHU dwelling unit type must be permitted in the district in which it will be located.~~
- 4. ~~When the calculation of ADUs by dwelling unit type results in a requirement of a fractional ADU, any fraction up to and including ½ will be disregarded, and fraction over ½ will be interpreted as 1 whole ADU.~~
 - a. ~~If the total of the ADUs by dwelling unit type is less than the total number of required ADUs, then the applicant must increase the number of ADUs by dwelling unit type to equal the total number of required ADUs.~~
 - 1. ~~The applicant may elect which dwelling unit type will be increased to provide the remaining required ADUs.~~
 - b. ~~If the total of the ADUs by dwelling unit type exceeds the total number of required ADUs, then the applicant may decrease the number of ADUs by dwelling unit type to equal the total number of required ADUs.~~
 - 1. ~~The applicant may elect which dwelling unit type will be decreased to achieve the required ADUs.~~
- 5. ~~Demonstrate the required ADUs by dwelling unit type on each Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat.~~

Sample ADU Calculation for Voluntary Provision of ADUs Provided Proportionately Pursuant to Dwelling Unit Types Proposed: SFD, SFA, and MFS Dwelling Units. Subsection C.4.1.a for a 80 MFA 8-Story Building on 2.67 Acres in the PD-AAAR Zoning District

<u>Permitted Density:</u>	<u>30 Dwelling Unit (DU) per Acre</u>
<u>Dwelling Units (DU) Permitted:</u>	<u>80 DUs</u>
<u>Total DUs Due to Voluntary ADUs:</u>	<u>92 DUs</u>
<u>Additional DUs:</u>	<u>12 DUs</u>
<u>Density % Increase:</u>	<u>12 Additional DUs/80 DUs = 15% density increase</u>
<u>ADUs Required:</u>	<u>15% of Additional DUs</u>
<u>Total ADUs Required:</u>	<u>12 x 15% = 2 ADUs Required (rounded up from 1.8)</u>

Table 9.01-2. Maximum Optional Density Increase by Zoning District

Reference	Zoning District	Permitted Density ¹	Maximum Permitted Density ¹ 20% Density Increase with 15% SFD, SFA, and/or MFS ADUs	Maximum Permitted Density ¹ 20% Density Increase with 10% MFA ADUs
<u>1</u>	<u>TRC</u>	<u>Inner and Outer Core: No Maximum TDSA: 1.5 FAR</u>	<u>Inner and Outer Core: No Maximum TDSA: 1.8 FAR</u>	<u>Inner and Outer Core: No Maximum TDSA: 1.8 FAR</u>
<u>2</u>	<u>SN-4, TSN, RC</u>	<u>4</u>	<u>4.8</u>	<u>N/A</u>
<u>3</u>	<u>SN-6</u>	<u>6</u>	<u>7.2</u>	<u>N/A</u>
<u>4</u>	<u>SCN-8, R-8</u>	<u>8</u>	<u>9.6</u>	<u>N/A</u>
<u>5</u>	<u>SCN-16, R-16</u>	<u>16</u>	<u>19.2</u>	<u>19.2</u>
<u>6</u>	<u>SCN-24, R-24</u>	<u>24</u>	<u>28.8</u>	<u>28.8</u>
<u>7</u>	<u>TC</u>	<u>1.0 FAR</u>	<u>1.2 FAR</u>	<u>1.2 FAR</u>
<u>8</u>	<u>PD-AAAR</u>	<u>30</u>	<u>36</u>	<u>36</u>

Table 9.01-2. Maximum Optional Density Increase by Zoning District				
Reference	Zoning District	Permitted Density¹	Maximum Permitted Density: 20% Density Increase with 15% SFD, SFA, and/or MFS ADUs.	Maximum Permitted Density: 20% Density Increase with 10% MFA ADUs.
<u>9</u>	<u>PD-MUB</u>	<u>Prior to Establishment of Bus Service: 20 After Establishment of Bus Service: 30</u>	<u>Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36</u>	<u>Prior to Establishment of Bus Service: 24 After Establishment of Bus Service: 36</u>
<u>10</u>	<u>TR-1, JLMA-1, R-1, CR-1</u>	<u>1 du per 40,000 sf</u>	<u>1.2 du per 40,000 sf</u>	<u>N/A</u>
<u>11</u>	<u>TR-3, JLMA-3</u>	<u>1 du per 3 acres</u>	<u>1.2 du per 3 acres</u>	<u>N/A</u>
<u>12</u>	<u>TR-10</u>	<u>1 du per 10 acres</u>	<u>1.2 du per 10 acres</u>	<u>N/A</u>
<u>13</u>	<u>TCN</u>	<u>5</u>	<u>6</u>	<u>N/A</u>
<u>14</u>	<u>JLMA-2, R-2, TR-2, CR-2</u>	<u>1 du per 20,000 sf</u>	<u>2.4</u>	<u>N/A</u>
<u>15</u>	<u>R-3, CR-3</u>	<u>1 du per 15,000 sf</u>	<u>3.6</u>	<u>N/A</u>
<u>16</u>	<u>R-4, CR-4</u>	<u>1 du per 10,000 sf</u>	<u>4.8</u>	<u>N/A</u>
<u>17</u>	<u>JLMA-20</u>	<u>1 du per 20 acres</u>	<u>1.2 du per 20 acres</u>	<u>N/A</u>
<u>18</u>	<u>PUD</u>	<u>Determined at time of PUD application. Must be consistent with residential density or FAR for the Place Type where the PUD will be located.</u>	<u>If SFD, SFA, or MFS dwelling units are proposed, then 20% increase of maximum residential density for the Place Type where the PUD will be located</u>	<u>If MFA dwelling units are proposed, then 20% increase of maximum residential density or FAR for the Place Type where the PUD will be located</u>

(du = dwelling unit; sf = square feet; SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)
¹Density is in dwelling units per acre unless otherwise noted.

D. Calculating the Required ADU Dwelling Unit Type for Required ADUs. ADUs must be provided as, and in numbers proportionate to, the same dwelling unit type(s) provided for market rate dwelling units in the development.

1. ADUs are not permitted to be provided as a dwelling unit type that is not provided as a market rate unit in the development.
 - a. **Exception.** If AHUs are substituted for ADUs pursuant to subsection A.4 and Section 9.03, then this requirement does not apply. However, the dwelling unit type for the proposed AHUs must be permitted in the Zoning District where such AHUs will be located.
2. In MFS and MFA dwelling units, dwelling unit type is further classified by the number of bedrooms in such MFS or MFA dwelling units.
3. When the calculation of dwelling unit types for required ADUs under subsection D results in a number that ends in a fraction or decimal, any number ending in a fraction or decimal up to and including ½ or 0.5, respectively, will be rounded down to the nearest whole number, and any number ending in a fraction or decimal over ½ or 0.5, respectively, will be rounded up to the nearest whole number.
 - a. If the calculation results in a number that is less than the total number of required ADUs under subsection C, then a sufficient number of ADUs, which may be of any dwelling unit type provided in the development, must be provided to make up the difference.
 - b. If the calculation results in a number that is greater than the total number of the ADUs required under subsection C, then the number of ADUs provided for any dwelling unit type may be reduced until the total number of required ADUs under subsection C is provided.
4. Calculations for the required ADUs by dwelling unit type must be included on each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles for the development.

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit Types Proposed Pursuant to Subsection E: SFD, SFA, and MFS Dwelling Units.

Total Dwelling Units Proposed:	110 SFD, SFA, and MFS DUs
Total ADUs Required:	17 (Rounded up from 16.5)
Dwelling Units by Unit Type:	10 SFD, 65 SFA, 35 MFS
Dwelling Unit Type Percent of Total:	9% SFD, 59% SFA, 32% MFS
ADUs Required by <u>Unit</u> Type:	17 x 9% = 2 SFD (Rounded up from 1.53) 17 x 59% = 10 SFA (Rounded down from 10.03) 17 x 32% = 5 MFS (Rounded down from 5.44)
Total ADUs <u>Required</u> :	17 ADUs

Sample Calculation of ADUs Provided Proportionately to Dwelling Unit SizesTypes Proposed Pursuant to Subsection E: MFA Dwelling Units.

Total Dwelling Units Proposed:	300 MFA DUs
Total ADUs Required:	30
Dwelling Units by <u>Unit Size</u> Number of <u>Bedrooms</u> :	30 Studio, 110 1-Bedroom (BR), 120 2-BR, 40 3-BR
Dwelling Unit <u>Size-by</u> Number of <u>Bedrooms</u> Percent of Total:	10% Studio, 37% 1- BR, 40% 2-BR, 13% 3-BR
ADUs Required by <u>Unit Size</u> Number of <u>Bedrooms</u> :	30 x 10% = 3 Studio 30 x 37% = 11 1-BR (Rounded down from 11.1) 30 x 40% = 12 2-BR 30 x 13% = 4 3-BR (Rounded up from 3.9)
Total ADUs Required:	30 ADUs

G. Designation of ADUs on Site Plans or and Subdivision Plats. ADUs must be designated on Site and Associated Construction Plans or and Profiles. Each approved Site Plan and Subdivision Plats as follows:

~~1.E. Approved Site Plat and associated Construction Plans and/or Subdivision Plats must identify Profiles for the specific development must demonstrate that the required number and/or percentage of for-sale dwelling units and for-rent dwelling units that and for-purchase dwelling units are to be regulated as being provided as ADUs, and that such ADUs pursuant to meet the ADU Program requirements of subsection G.~~

~~a.1. All Site Plans and Subdivision Plats for If a development containingcontains for-rent ADUs must include, a tabulation must be included that demonstrates the percentage of dwelling units and the number of each dwelling unit by-type that will be maintained as ADUs.~~

~~b.2. All Site Plans and Subdivision Plats for If a development containingcontains for-sale purchase ADUs must identify, the specific dwelling units that will be provided as ADUs. must be identified.~~

H.F. ADU Compatibility and Interspersion. Approved Site Plans and Subdivision Plats must demonstrate that the ADUs are ADUs must be compatible with and interspersed among market rate dwelling units in the development. To demonstrate conformance with this requirement, each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles for the development by meeting must demonstrate the following requirements:

- 1. ADU Compatibility. To be considered compatible, ADUs of a particular dwelling unit type must be similar to market rate dwelling units of the same dwelling unit type in width, depth, height, size, and exterior architectural treatment to market rate dwelling units in the development.**

- a. **Width.** For the purposes of subsection G.1.a., width is the distance across the front façade of a SFD, SFA, or MFS dwelling unit. To be considered similar in width, ~~the~~ ADUs must meet at least 1 of the following criteria: for the applicable dwelling unit type:
 - 1. ~~SFD, SFA, or MFS ADUs may be~~ SFD, SFA, and MFS ADUs are permitted to have a minimum width of 75% of the average width of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the ADU or ADU lot; or
 - 1. ~~ADUs must be~~ identical in width to market rate dwelling units ~~provided with the same Site Plan or Subdivision Plat.~~
 - 2. If a development includes identically-sized market rate dwelling units equaling at least 25% of the ~~.~~ The same number of ADUs and market rate units with such identical width must be provided with the same Site Plan or Subdivision Plat, then SFD, SFA, and MFS ADUs may have widths as follows:
 - a. ~~The minimum width of the SFA or MFS ADUs must be no less than 70% of the average width of SFA or MF stacked market rate dwelling units provided with the same Site Plan or Subdivision Plat.~~
 - b. ~~The minimum width of the SFD ADUs must be no less than 75% of the average width of SFD market rate dwelling units provided with the same Site Plan or Subdivision Plat.~~
- b. ~~To be considered similar in depth, the~~ **Depth.** To be considered similar in depth, ADUs must meet at least 1 of the following criteria for the applicable dwelling unit type:
 - 1. SFD, SFA, and MFS ADUs are permitted to have a minimum depth of 85% of the average depth of SFD, SFA, or MFS market-rate dwelling units adjacent to the sides of the ADU or ADU lot. The rears of abutting SFA or MFS market rate dwelling units in the same building as the SFA or MFS ADU with a reduced width must be staggered; or
 - 2. ADUs must be identical in depth to market rate dwelling units. The same number of ADUs and market rate units with such identical depth must be provided.
- b.c. **Height.** To be considered similar in height, ADUs must meet at least 1 of the following criteria: for the applicable dwelling unit type:
 - 1. ~~SFD, SFA and MFS ADUs are permitted to have a height that is 90% of the height of SFD, SFA, or MFS ADUs may be identical in depth to market rate dwelling units provided with.~~ The heights of abutting SFA or MFS market rate dwelling units in the same Site Plan or Subdivision Plat.
 - 2. ~~SFA and MFS ADUs may vary in depth along the entire rear façade by up to 15% if building as the rear of other market rate dwelling units provided with the same Site Plan~~ SFA or Subdivision Plat of the SFA or MFS building are staggered.
 - 3.1. ~~SFD ADUs may have a minimum depth of 75% of the average depth of SFD market rate dwelling units on lots adjoining either side of the~~ MFS ADU lot. with a reduced height must be varied; or
- c. ~~To be considered similar in height, the~~ ADUs must meet at least 1 of the following criteria:
 - 1. ~~SFD, SFA, or MFS ADUs may be~~ identical in height to market rate dwelling units ~~provided with the.~~ The same Site Plan or Subdivision Plat.
 - 2. ~~SFA or MFS ADUs may have a height that is at least 90% the height of market rate dwelling units provided with the same Site Plan or Subdivision Plat when heights of SFA and MFS market rate dwelling units in the same building are staggered vertically.~~
 - 3.2. ~~SFD ADUs do not have a minimum height but must have the same number of stories as SFDADUs and market rate dwelling units with such identical height must be provided with the same Site Plan or Subdivision Plat.~~
- d. **Smaller Size.** To be considered similar in size, ADUs ~~may be provided~~ must meet the following criteria for the applicable dwelling unit type:

- ~~d-1.~~ SFD, SFA, and MFS ADUs that are smaller than an ADU meeting the decreased width of subsection F.1.a.1, the decreased depth of subsection F.1.b.1, and the decreased height of subsection F.1.c.1 above are permitted if the same number of market rate dwelling units provided with the Site Plan or Subdivision Plat are of the same size dwelling unit type have the same square footage of livable space as the smaller ADUs.
 - a. Such smaller ADUs are not required to meet the width, depth, and height criteria of subsections G.1.a, G.1.b, and G.1.c.
- 2. ADUs must be identical in size to market rate dwelling units. The same number of ADUs and market rate units of such identical size must be provided.
- e. **Architectural Treatment.** To be considered similar in exterior architectural treatment, ADUs must meet the following criteria:
 - 1. ADUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.
 - 2-a. Alternatively, ADUs may have front façade construction materials that are identical to market rate front façades when at least 25% of market rate dwelling units provided with the same Site Plan or Subdivision Plat have the same front façade construction materials.
 - 3-2. ADUs must have the same variation in design elements, (e.g., varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc. when.) as those used in adjacent market rates dwelling units provided with the same Site Plan or Subdivision Plat use the same design elements, or where there is no readily identifiable pattern associated with ADUs.
 - a. Alternatively, ADUs may have the same variation in design elements that is identical to market rate dwelling units when at least 25% of market rate dwelling units have the same variation of design elements.
 - 4-3. ADUs must have the same exterior features, such as (e.g., decks, fences, or balconies if they) that are provided as a standard option on for market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 - 5-4. Exterior doors for ADUs must be provided on at the same level(s) story as provided in the exterior doors for market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 - 6-5. Rear and side construction materials for ADUs must be comparable to market rate dwelling unit rear and side construction materials provided with the same Site Plan or Subdivision Plat used for market rate dwelling units.
 - 7-6. Garages must be provided in for all ADUs that are adjacent to market rate dwelling units that have a garage. Garages in ADUs must and be of the same size as the adjacent market rate dwelling unit garages.
- 2. **ADU Interspersion.** ADUs must be interspersed among the market rate dwelling units in a development. To be considered interspersed among market rate dwelling units in the development, the, ADUs must meet 1 or more of the following criteria:
 - a. Not SFD ADUs must not be abutting in located on lots adjacent to other SFD ADUs.
 - a. SFA or and MFS building.
 - 1. Exception: When 2 SFA dwelling units are designed to appear as 1 larger SFA market rate unit in the same SFA building.
 - b. Be provided in ADUs must not abut other SFA and MFS buildings so that there is no ADUs, respectively.
 - b-c. No more than 1 ADU per building or 38% of the total number of SFA or MFS dwelling units in that an SFA or MFS building, whichever is greater, are permitted to be ADUs.

- ~~d.~~ ADUs may be located directly across a road ~~or travelway~~ from each other or may back directly to each other across rear yards or common areas ~~if the ADUs.~~
- ~~e.~~ **Alternative ADU Design Option:** The Zoning Administrator may allow an Alternative ADU Design to meet the ADU Compatibility requirements in subsections F.1.a., F.1.b, F.1.c, and F.1.d and/or ADU Interspersion requirements in subsection ~~H.1.~~
- ~~3.~~ **Creative Design.** ~~The Zoning Administrator may permit deviations from the interspersion requirement on F.2 on a case-by-case basis when a creative design proposal is determined to meet the intent of the ADU Program. Requests for deviations from the Compatibility and Interspersion requirements in subsection F.~~
 - ~~a.~~ Requests for an Alternative ADU Design to meet of the compatibility and/or interspersion requirements must provide the following information:
 - ~~1.~~ A plan that identifies the location of the ADUs that are subject to the Alternative ADU Design and the remaining required ADUs.
 - ~~2.~~ Elevation and plan view drawings of the ADUs that are subject to the Alternative ADU Design that depict the building materials, design elements, and building dimensions.
 - ~~3.~~ Elevation and plan view drawings of the of the market rate dwelling units that depict the building materials, design elements, and building dimensions.
 - ~~4.~~ A written justification that addresses the criteria in subsection F.3.b.
 - ~~5.~~ Additional information that the Zoning Administrator deems necessary to evaluate the Alternative ADU Design request.
 - ~~d.b.~~ To approve the Alternative ADU Design request of the compatibility and/or interspersion requirement ~~must demonstrate:~~ requirements, the Zoning Administrator must find that the following criteria are met for the ADUs that are subject to the Alternative ADU Design request. The Zoning Administrator may forward a Alternative ADU Design request to ADUAB for comment and recommendation prior to issuing a decision.
 - ~~1.~~ Where the required ADUs will be located in the development, and
 - ~~2.~~ **Integration:** The ~~creative design showing how ADUs will be~~ADUs are integrated into the development ~~without meeting the interspersion requirement.~~
 - ~~3.1.~~ **Bedrooms in MFS and not isolated and MFA ADUs must be similar in size to equivalent /or physically separated from the market rate dwelling units in the development.**
 - ~~2.~~ **Location:** The ADUs are located in the same general area as the market rate dwelling units, preferably proximate to transit, Commercial uses, and other essential services.
 - ~~3.~~ **Building Materials and Design Elements:** The ADUs are designed with building materials and design elements that are consistent with the market rate dwelling units. The quality of construction and materials used in the ADUs is comparable to that of the market rate dwelling unit.
 - ~~4.~~ **Size and Layout:** The ADUs are not significantly smaller or awkwardly shaped compared to the market rate dwelling units. Significantly smaller in this case is no more than 70% smaller than the average size of the market rate dwelling units that generated the required ADUs subject to the Alternative ADU Design request.
 - ~~5.~~ **Amenities:** The ADUs have access to similar amenities as the market rate dwelling units. This could include access to common areas, open space, parking, and any other amenities provided to the residents of the market rate dwelling units.

Note: Graphics will be added to future draft versions of the Zoning Ordinance:

~~Provide graphic example of~~ **Examples of alternative ADU design options:** 2 ADU townhouses in a row are designed to look like 1 larger townhouse in a row of SFA dwelling units (~~Section 9.01.H.2.d~~). ~~AND~~

~~Provide graphic example of creative design:~~ Condominiums provided in a building designed to appear as one SFD dwelling unit. This would only be permitted where both an SFD and some sort of MF or SFA unit type is allowed in the district.

~~I.G.~~ **Timing of Construction/Availability of ADUs.** ~~In a development that contains SFD, SFA, or MF dwelling units,~~ ~~the~~ The timing of construction and availability of ADUs in a development must be as follows:

1. Occupancy permits for 50% of the ADUs must be issued prior to issuance of more than 50% of the occupancy permits for the market rate dwelling units ~~occupancy permits for in~~ the development.
2. Occupancy permits for 75% of the ADUs must be issued prior to issuance of more than 75% of the occupancy permits for the market rate dwelling units ~~occupancy permits for in~~ the development.
3. Occupancy permits for 100% of the ADUs must be issued prior to issuance of more than 90% of the occupancy permits for the market rate dwelling units ~~occupancy permits for in~~ the development.
4. The following information must be submitted with each ~~occupancy permit application request~~ for final zoning inspection for a market rate dwelling unit ~~within~~ in the development:
 - a. The total number of dwelling units, market rate dwelling units, and ADUs, UHNUs, and AHUs proposed for the development.
 - b. The number of occupancy permits issued for market rate dwelling units ~~within~~ in the development.
 - c. The number of occupancy permits issued for ADUs ~~within~~, UHNUs, and AHUs in the development.
 - d. The ~~lot number~~ legal description or unit number ~~of each ADU, UHNU, and AHU~~ for which an occupancy permit has been issued.

~~J.H.~~ **ADU Modifications.** Modifications ~~to the ADU Program requirements of Section 9.01~~ are permitted as follows:

1. ~~Notwithstanding modifications permitted in Section 2.07, only modifications to the requirements of~~ Modifications to subsections ~~DC.1 and DC.2 and G.1, G.2, and I.1 through I.G.3 of the ADU Program are allowed.~~ permitted pursuant Section 10.10.04.C and as follows:

~~2.a.~~ Requests ~~All applications for modifications as applied to a specific development.~~ modification must be submitted in conjunction with the specific development application for first Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision ~~Plat,~~ or Preliminary Subdivision ~~Plat, whichever is required first.~~ application for the development.

~~3.b.~~ The ADUAB will review ~~requests for modifications~~ the modification application, and the criteria of subsections H.2.d. and H.4.a below, as applicable, and make its recommendation to the Planning Commission within 60 days of receipt of a complete application.

~~4.c.~~ The Board of Supervisors must consider, upon recommendation of the Planning Commission, ~~whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County, as well as~~ the criteria in subsections ~~J.6 H.2.d or J.8.e.~~ and H.4.a below, as applicable.

~~5.d.~~ The time limits set forth in § 15.2-2259 and § 15.2-2260 of the Virginia Code will be suspended during the pendency of an application for modification filed pursuant to subsection ~~JH.~~

~~6.2.~~ **Modifications to Subsection DC.1 and DC.2.** ~~If a modification~~ Modifications to subsections ~~DC.1 or DC.2 is requested~~ are subject to the following:

- a. The ratio of ADUs proposed to the optional density increase approved must be no less than 15% : 20% for SFD, SFA, and MFS dwelling unit developments, and 10% :— 20% for MFA dwelling unit developments.
- b. The total number of ADUs proposed must be no less than 5% of the total number of dwelling units within the development.

- c. ~~The applicant must provide a written justification that addresses subsection J-6H.2.d with the application for modification.~~
- e.d. ~~In conjunction with modification of subsections C.1 of C.2, 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 ADUs, land, or contributions to Loudoun County equivalent to providing the required number of ADUs.~~
- e. ~~The~~For applications for modification of subsections C.1 of C.2, the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding the following criteria:
 - d.1. ~~Whether the proposed alternative will achieve the objective of providing a full range of housing choices in reviewing a request for modification to subsections D.1 or D.2: Loudoun County.~~
 - 1.2. ~~The~~ ability for the public facilities and services already developed to accommodate the maximum density increase permitted for ~~provision of providing~~ ADUs.
 - 2.3. Existing unique or unusual site constraints, including but not limited to potential adverse impacts on environmental resources and features on the subject ~~parcel~~property and adjacent parcels, and ~~the effect of soil conditions that make development financially burdensome on construction costs.~~
 - 3.4. Unusual costs associated with development of the subject property.
 - 4.5. Overriding public needs, health issues, public safety issues, or public welfare issues that are better served by not providing the maximum number of ADUs otherwise required.
 - 5.6. ~~In the case of a request for a concept development plan amendment, consideration must also be given to~~For Zoning Concept Plan Amendment applications, whether ~~the amendment would result in~~ a reduction in the previously approved ~~zoning map amendment's~~Zoning Map Amendment's impact on public facilities ~~would result,~~ and whether the ~~existing proffer commitments for the~~ previously approved ~~zoning map amendment's~~Zoning Map Amendment's proffer commitments exceed current adopted capital facility guidelines established in the General Plan.

Sample Calculation Showing the Ratio of Proposed ADUs to the Optional Density Increase is No Less than 15% : 20% Pursuant to Subsections I.2.a and I.2.b.

Total Dwelling Units:	100
ADUs Proposed =	5%
	$15\%/20\% = 5\%/x, x = 6.67\%$
	$100 \times 6.67\% = 106.67$ dwelling units at 15%:20% increase
	$106.67 \times 5\% = 5.3$ ADUs at 15%:20% ADU requirement
Total ADUs Required:	6 (round up from 5.3)
Maximum Dwelling Units Permitted:	106 (round down from 106.67)

- 7.3. **Modifications to Provide Cash or Land in Lieu of ADUs in SFD Dwelling Unit Developments.** Notwithstanding subsections J-6H.2.a and H.2.b. above, ~~any application for Zoning Map Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat developments~~ that contains only SFD dwelling units may ~~request submit an application for~~ a modification to subsection DC.1 to provide ~~developable land within the development or~~ cash in lieu of ~~some or all of~~ the ADUs. ~~If an applicant requests required pursuant to subsection C.1. Such applications for~~ a modification ~~to make such cash payment or land dedication, are subject to~~ the following criteria ~~applies~~:
 - a. ~~The request to provide cash or dedicate land in lieu of ADUs must be submitted in conjunction with the specific development application for Zoning Map Amendment, Zoning Concept Plan~~

~~Amendment, Special Exception, Site Plan, Subdivision Plat, or Preliminary Subdivision Plat, whichever is required first.~~

- ~~a. Cash in Lieu. Cash provided in lieu of SFD ADUs ~~required pursuant to subsection D.1~~ must be must:~~
- ~~b.1. Be a per ADU cash contribution of 100% of the construction cost of a prototypical SFD ADU.~~
 - ~~1.a. The construction cost of a prototypical SFD ADU must be the vertical cost of an ADU.~~
 - ~~2.b. The minimum number of bedrooms of the prototypical SFD ADU used to determine ~~the~~ such vertical cost must be equal to the number of bedrooms provided ~~within~~ for the predominant market rate SFD dwelling unit in the development as determined by the Zoning Administrator.~~
- ~~c. Land Deposited in Lieu. Land dedicated in lieu of SFD ADUs ~~required pursuant to subsection D.1~~ must:~~
- ~~1. Have a minimum land value equal to or greater than ~~the~~ value of Loudoun County Housing Trust Fund prior to the total per ADU cash in lieu contribution required pursuant to subsection J.7.b.~~
 - ~~2. Be within issuance of the first zoning permit for the development and ~~able to accommodate construction of the required number of ADUs.~~~~
 - ~~a. Accommodate construction includes provision of adequate lot sizes and required road access, pedestrian and bicycle network, and utilities for the required ADUs.~~
 - ~~b. Documentation demonstrating, or such other time that the land dedicated in lieu can accommodate construction of the required number of ADUs ~~must be provided~~ may be specified by the Board of Supervisors with the request to dedicate land in lieu of providing ADUs.~~
- ~~d.2. The request to provide cash or dedicate land in lieu of ADUs may include a approval of the application for a modification that would allow the applicant to provide any combination of ADUs, land, or cash to Loudoun County.~~
- ~~e. All cash provided ~~or land dedicated~~ in lieu of SFD ADUs made pursuant to subsection J.7H.3 must be:~~
- ~~1.3. Of a value calculated in current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County.~~
 - ~~2. Paid or dedicated prior to the issuance of the first zoning permit for the development unless another time is approved by the Board of Supervisors at the time the modification is approved.~~
 - ~~3. Deposited in the Loudoun County Housing Trust Fund for cash in lieu and dedicated to the County Economic Development Authority for land until such time as a County land bank is established.~~
- 8.4. Modifications to Subsection ~~I~~G.1 through I, G.2, and G.3. If a modification Modifications to subsections ~~I~~G.1 through I, G.2, and/or G.3 is requested ~~are~~ subject to the following:**
- ~~a. The development application must demonstrate the modified timing of construction and availability of ADUs compared to market rate dwelling units.~~
 - ~~b. The applicant must provide a written justification that addresses the criteria listed under subsection J.8.c. with the modification request.~~
- e.a. The, and the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding, the following criteria ~~in reviewing a request for modification to subsections I.1 through I.3:~~**
- ~~1. The modified Whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County.~~
 - ~~1.2. How the modification will affect the timing of construction and availability of ADUs compared to market rate dwelling units, and the risk that all required ADUs will not be provided.~~

~~2.3. Existing~~ Whether there are any existing unique or unusual site constraints, including but not limited to the availability of utilities or infrastructure, that ~~require a modified development schedule~~ necessitate the modifications.

~~3.4. Unusual~~ Whether there are any unusual costs associated with development of the subject property due to the development schedule required by in strict accordance with subsections ~~G.1 through I, G.2, and/or G.3~~ that would necessitate the modifications.

b. All Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, and Preliminary Subdivision Plat applications for the development must provide the modified timing of construction and availability of ADUs compared to market rate dwelling units.

~~K.1.~~ **Violations and Penalties.** In addition to enforcement under Section ~~1110.14 et seq., the~~ the Zoning Administrator is authorized to pursue the following ~~apply~~ enforcement remedies whenever any person, whether an owner, lessee, principal, agent, employee, or otherwise, violates any provision of the ADU Program, or permits any such violation, or otherwise fails to comply with any of the requirements ~~hereof: of the ADU Program:~~

1. Tenants of ADUs who fail to submit executed affidavits or certifications, as required by the ADU Program, are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
2. Tenants of ADUs who falsely swear or who execute an affidavit or certification required by the ADU Program knowing the statements contained therein to be false are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
3. Owners of individual ADUs who falsely swear that they continue to occupy their respective ADU as their primary domicile will be subject to injunction or other suit, action, or proceeding to require such owner to either sell the ADU to someone who meets the eligibility requirements established pursuant to the ADU Program or to occupy such ADU as their principal domicile.

9.02 Unmet Housing Needs Unit Program

Purpose. The purpose of the Unmet Housing Needs Unit (UHNU) Program is to:

- Complement the Affordable Dwelling Unit (ADU) Program by addressing housing affordable to families with incomes not addressed by the ADU Program to include 0% to 30% of area median income (AMI), which is the area of greatest need, and 70% to 100% of AMI.
- Promote the development of a full range of housing choices.
- Implement the Housing Policies of the General Plan.
- ~~Establish regulations for UHNUs provided:~~
 - ~~1. As an incentive for an adjusted floor area ratio (FAR) in the Transit-Designed Supportive Area (TDSA) of the Transit-Related Center (TRC) Zoning District and Town Center (TC) District.~~
 - ~~2. To meet the Suburban Compact Neighborhood (SCN) Alternative Location Criteria.~~
 - ~~3. When a building is adaptively reused.~~
 - ~~4. To meet the requirements in the Planned Development-Mixed Use Business (PD-MUB) Zoning District.~~

A. Applicability. The requirements of the UHNU Program apply ~~as follows:~~

~~A.1. To UHNUs provided~~ as part of a development an application for a Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, ~~Subdivision Plat,~~ or Preliminary Subdivision ~~Plat to comply with the following:~~

- ~~1.a.~~ To achieve an adjusted FAR in the TDSA of the TRC Zoning District pursuant to Section 2.01.01.D.
- ~~2.b.~~ To achieve an adjusted FAR in the TC Zoning District pursuant to ~~and~~ Section 2.02.03.~~ED.~~

~~3.c.~~ To meet the Suburban Compact Neighborhood Alternative Location Criteria for locating the SCN Zoning District in the Suburban Neighborhood or Suburban Mixed Use Place Types of the General Plan pursuant to Section ~~2.02.02.HG.1.~~

~~4.d.~~ As a permitted adaptive reuse of a ~~building or~~ structure pursuant to Section ~~4.09.D.~~

~~5.e.~~ ~~When~~As required when the ~~residential~~Residential density exceeds 30 dwelling units per acre in the PD-MUB Zoning District pursuant to Section ~~2.02.05.11.I.~~

~~1.~~ ~~UHNUS~~UHNUs provided to meet the requirements of the PD-MUB Zoning District ~~are~~ also ~~are~~ subject to subsection ~~J. When~~G, and in the ~~requirement~~event of any conflicts between subsection G and subsections B through ~~I-conflict~~F, subsection ~~J-applies for~~ UHNUs provided to meet requirements~~G supersedes such conflicting requirement.~~

~~a.f.~~ ~~To fulfill proffers approved as part of the PD-MUBa~~ Zoning ~~District~~Map Amendment or Zoning Concept Plan Amendment.

~~2.~~ "Development" means a proposal to develop land or an act of developing land that meets, and thereby is subject to, subsection A.1 above.

~~6.3.~~ **AHU Program.** An applicant may provide affordable housing units (AHU) in lieu of the UHNUs required by the UHNU Program in accordance with Section ~~9.03.~~

~~a.~~ The dwelling unit type for the proposed AHUs must be permitted in the Zoning District where such AHUs will be located.

~~D.~~ **Administration, Enforcement.** ~~The administration and enforcement of the UHNU Program is as follows:~~

~~1.~~ ~~The Zoning Administrator administers and enforces the provisions of the~~Chapter 1450 of the UHNU Program.

~~B.~~ In addition to the provisions of the UHNU Program, all UHNUs must comply with~~Codified Ordinances.~~ All sections of Chapter 1450 of the ~~Codified Ordinance of Loudoun County~~ (~~Codified Ordinances~~) apply to UHNUs except ~~for~~as follows:

~~1.~~ For purposes of administering Chapter 1450 of the Codified Ordinances as applied to UHNUs, the terms "Affordable Dwelling Unit" and "ADU" are replaced with "Unmet Housing Needs Unit" and "UHNU," where appropriate.

~~2.~~ UHNU Program Income Requirements. ~~The income requirements referenced in Sections 1450.01, 1450.03.b, and 1450.05.c regarding~~ are replaced with the following income requirements ~~and Section 1450.08 regarding covenant periods applicable to UHNUs:~~

~~C.a.~~ ~~UHNU Program Income Requirements.~~ ~~The UHNUs must~~ are only permitted to be provided ~~based on for the~~ Area Median Income (AMI) ranges and type of tenancy ~~tenancies~~ in Table 9.02-1.

~~1.b.~~ UHNUs in the PD-MUB Zoning District provided in accordance with subsection G must also ~~meet~~ the following requirements:

~~a.1.~~ If for rent UHNUs are provided, a minimum of 1/3 of the rental UHNUs must be affordable to households earning 30% or less of the AMI.

~~b.2.~~ If for purchase UHNUs are provided, a minimum of 1/3 of the for purchase UHNUs must be affordable to each of the following:

~~1.a.~~ Households earning greater than 30% but less than 70% of the AMI; and

~~2.b.~~ Households earning 70% or greater but no more than 100% of the AMI.

TABLE Table 9.02-1. UHNU PROGRAM INCOME REQUIREMENTS*Program Income Requirements	
Area Median Income (AMI) Fee Range ¹	Type of Tenancy
0% up to 30% PD-MUB Only: 0% up to 60%	For Rent
Above 70% up to 100% PD-MUB Only: Above 30% up to 100%	For Purchase

¹The current AMI must be used to determine income requirements for UHNUs.

3. UHNU Program Declaration Control Periods. The sale and rental price control periods referenced in Section 1450.08 are replaced with the following sale and rental price control periods applicable to UHNUs:

- a. **For Rent UHNUs.** Rents for rental UHNUs must be controlled for a period of at least 30 years from the date of the issuance of the occupancy permit for each for rent UHNU.
- b. **For Purchase UHNUs.** Sales prices for UHNUs for purchase must be controlled for a period of at least 20 years after recordation of the deed from the initial sale of such UHNU, and an UHNU extended control period thereafter applies until the expiration of 50 years after such recordation.

D.C. Standards for UHNU Calculations. Each development subject to the UHNU Program must calculate ~~To comply with the requirements in subsection A.1 above the required UHNUs, as well as demonstrate the calculations,~~ number of UHNUs is calculated as follows:

- 1. ~~To achieve an Adjusted FAR, calculate the~~ **Subsection A.1.a.** Calculate the minimum number of UHNUs required by multiplying the applicable UHNU percentage requirement in Section 2.01.01.D, Table 2.01.01-2 by the total number of dwelling units proposed, including any ADUs and additional dwelling units provided pursuant to the optional density increase provided pursuant to Section 9.01.
- 3. ~~Subsection A.1.b.~~ Calculate the minimum number of UHNUs required by multiplying the applicable UHNU percentage requirement in Section 2.02.01.E, Table 2.02.01-2 or 2.02.03.FD, Table 2.02.03-2 ~~by the total number of dwelling units proposed.~~
- 4. ~~To meet the Alternative Locational Criteria in Section 2.02.02.L.1:~~
 - a.2. Calculate the UHNUs required pursuant to the percentage required in Section 2.02.02.L.1, using, by the total number of dwelling units proposed, including any ADUs and additional dwelling units provided pursuant to the optional density increase provided pursuant to Section 9.01.
- 3. **Subsection A.1.c.** Calculate the minimum number of UHNUs required by:
 - a. Determine the ~~maximum~~ UHNU percentage requirements:
 - 1. Subtract the applicable single-family detached (SFD), single-family attached (SFA), and multifamily stacked (MFS) ADU percentage requirement in Section 9.01 from the Minimum Total SFD, SFA, and MFS ADU and UHNU Requirement in Section 2.02.02.G.1.a.
 - 2. Subtract the applicable multifamily attached (MFA) ADU percentage requirement in Section 9.01 from the Minimum Total MFA ADU and UHNU Requirement in Section 2.02.02.G.1.b.
 - b. Determine the number of UHNUs required:
 - 1. Multiply the SFD, SFA, and MFS UHNU percentage requirement determined in subsection C.3.a.1 by the total number of SFD, SFA, and MFS dwelling units proposed, including any ADUs and additional dwelling units ~~permitted by~~ provided pursuant to the optional density increase provided pursuant to Section 9.01.
 - 2. Multiply the MFA UHNU percentage requirement determined in subsection C.3.a.2 by the total number of MFA dwelling units proposed, including any ADUs and additional dwelling units provided pursuant to the optional density increase provided pursuant to Section 9.01.

3. Calculate any UHNUs required for providing ADUs pursuant to Section 9.01 MFA buildings exempt from the ADU Program pursuant to Section 9.01.A.3. by multiplying the MFA UHNU percentage requirement in Section 2.02.02.G.b. by the total number of MFA dwelling units exempt from the ADU Program.
 - c. Add the results of subsections C.3.b.1, C.3.b.2, and C.3.b.3.
4. **Subsection A.1.d.** Pursuant to Section 4.09.D, Table 4.09-1, 100% of the dwelling units must be UHNUs.
5. **Subsection A.1.e.** Pursuant to subsection 9.02.G below.
6. **Subsection A.1.f.** Pursuant to the approved proffer to provide UHNUs.
7. When the calculation of required UHNUs under subsection C results in a requirement of a fractional UHNU, any fraction or decimal, such fraction or decimal is interpreted as requiring 1 whole UHNU.
8. Demonstrate Calculations for the total number of dwelling units proposed and total required number of UHNUs required—must be included on each Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, or Subdivision Plat, or Preliminary Subdivision Plat application.

Sample UHNU Calculation for Adjusted FAR in the TUDSA of the TRC Zoning District Pursuant to Table 2.01.01-D	
Dwelling Units (DU) Proposed:	250
Dwelling Units (DU) Proposed:	250
UHNUs Required:	15% of Total DUs
UHNUs Required:	15% of Total DUs
Total UHNUs Required:	$200 \times 15\% = 30$ UHNUs Required (Rounded Up from 37.5)
Total UHNUs Required:	$200 \times 15\% = 38$ UHNUs Required (Rounded Up from 37.5)
Permitted FAR:	1.5 FAR
Permitted FAR:	1.5 FAR
Permitted FAR with 15% Increase:	$1.5 + (1.5 \times 15\%) = 1.8$ FAR
Permitted FAR with 15% Increase:	$1.5 + (1.5 \times 15\%) = 1.8$ FAR

- G. **Designation of UHNUs on Site Plans or and Subdivision Plats.** UHNUs must be designated on and Associated Construction Plans and Profiles. Each approved Site Plans or Plan and Subdivision Plats as follows:
 - 5-D. Approved Site Plat and associated Construction Plans and/or Subdivision Plats Profiles must identify demonstrate that the specific required number and/or percentage of for-sale dwelling units and for-rent dwelling units that and for-purchase dwelling units are to be regulated as being provided as UHNUs, and that such UHNUs pursuant to meet the UHNU Program requirements of subsection E.
 - a.1. All Site Plans and Subdivision Plats for a development containing If for-rent UHNUs must include are provided, a tabulation must be included that demonstrates the percentage of dwelling units and the number of each dwelling unit type that will be maintained as UHNUs.
 - b.2. All Site Plans and Subdivision Plats for a development containing for-sale UHNUs must identify If for-purchase UHNUs are provided, the specific dwelling units that will be provided as UHNUs must be identified.
 - F-E. **UHNU Compatibility and Interspersion.** Approved Site Plans and Subdivision Plats must demonstrate that the UHNUs are UHNUs must be compatible with and interspersed among market rate dwelling units by meeting the following requirements in the development. To demonstrate conformance with this requirement, each approved Site Plan and Subdivision Plat and associated Construction Plans and Profiles must demonstrate the following:
 1. To be considered compatible, **UHNU Compatibility.** UHNUs of a particular dwelling unit type must be similar to market rate dwelling units of the same dwelling unit type in width, depth, height, size, and exterior architectural treatment to market rate dwelling units in the development.

- a. **Width.** For the purposes of subsection E.1.a., width is the distance across the front façade of a SFD or SFA dwelling unit, or building that contains a MFS dwelling unit. To be considered similar in width, the UHNUs must meet at least 1 of the following criteria:
 1. ~~SFD, SFA, and MFS UHNUs are permitted to have a minimum width of 75% of the average width of SFD, SFA, or MF stacked MFS market-rate dwelling units adjacent to the sides of the UHNU or UHNU lot; or~~
 - 1.2. ~~UHNUs may~~must be identical in width to market rate dwelling units ~~provided with the same Site Plan or Subdivision Plat. The same number of UHNUs and market rate units with such identical width must be provided.~~
- ~~2. a. If a project included identically sized market rate dwelling units equaling at least 25% of the number of UHNUs provided within the same Site Plan and Subdivision Plat, then SFD, SFA, or MF stacked UHNUs may have widths~~**Depth.** ~~as follows:~~
 - a. ~~The minimum width of SFA or MF stacked UHNUs must be no less than 70% of the average width of SFA or MF stacked market-rate dwelling units provided within the same Site Plan and Subdivision Plat.~~
 - b. ~~The minimum width of SFD UHNUs must be no less than 75% of the average width of SFD market-rate dwelling units provided within the same Site Plan and Subdivision Plat.~~
- b. To be considered similar in depth, ~~the~~ UHNUs must meet at least 1 of the following criteria:
 1. ~~SFD, SFA, or MF stacked and MFS UHNUs may be identical in depth to market rate dwelling units provided with the same Site Plan or Subdivision Plat.~~
 2. ~~SFA and MF stacked UHNUs may vary in depth along the entire rear façade by up to 15% if the rear of other market rate dwelling units provided with the same Site Plan or Subdivision Plat of the SFA or MFS building are staggered.~~
 - 3.1. ~~SFD UHNUs may permitted to~~ have a minimum depth of ~~75~~85% of the average depth of SFD-, SFA, or MFS market-rate dwelling units ~~on lots adjoining either side adjacent to the sides of the UHNU or UHNU lot. The rears of abutting SFA or MFS market rate dwelling units in the same building as the SFA or MFS UHNU with a reduced width must be staggered; or~~
 2. ~~UHNUs must be identical in depth to market rate dwelling units. The same number of UHNUs and market rate units with such identical depth must be provided.~~
- c. **Height.** To be considered similar in height, ~~the~~ UHNUs must meet at least 1 of the following criteria:
 1. ~~SFD, SFA, or MF stacked and MFS UHNUs may be identical in height to are permitted to market rate dwelling units provided with the same Site Plan or Subdivision Plat.~~
 1. ~~SFA, or MF stacked UHNUs may have a height that is at least 90% the height of the height of SFD, SFA, or MFS market rate dwelling units provided with the same Site Plan or Subdivision Plat when. The heights of abutting SFA and MF stacked or MFS market rate dwelling units in the same building as the SFA or MFS UHNU with a reduced height must be varied; or~~
 2. ~~UHNUs must be identical in height to market rate dwelling units in the. The same building are staggered vertically.~~
 - 3.2. ~~SFD UHNUs do not have a minimum height, but must have the same number of stories as SFD UHNUs and market rate dwelling units with such identical height must be provided with the same Site Plan or Subdivision Plat.~~
- d. ~~Smaller UHNUs may be provided~~**Size.** To be considered similar in size, UHNUs must meet the following criteria:
 - d.1. ~~SFD, SFA, and MFS UHNUs that are smaller than an UHNU meeting each of the decreased width, depth, and height criteria of subsection G.1. above are permitted~~ if the same number of market

rate dwelling units ~~provided with~~ of the same ~~Site Plan or Subdivision Plat~~ are dwelling unit type have the same size square footage of livable space as the smaller UHNUs.

- a. Such smaller UHNUs are not required to meet the width, depth, and height criteria of subsections G.1.a, G.1.b, and G.1.c.
- 2. UHNUs must be identical in size to market rate dwelling units. The same number of UHNUs and market rate units with such identical size must be provided.
- e. **Architectural Treatment.** To be considered similar in exterior architectural treatment, UHNUs must meet the following criteria:
 - 1. UHNUs must have front façade construction materials that are identical to those used in adjacent market rate dwelling units.
 - 2.a. Alternatively, UHNUs may have front façade construction materials that are not identical to adjacent market rate dwelling unit front facades when at least 25% of the market rate dwelling units provided with the same Site Plan or Subdivision Plat have the same front façade construction materials.
 - 3.2. UHNUs may must have the same variation in design elements (e.g., varying roof pitches and orientation, gables, dormers, decorative elements, window arrangements, trims, materials, varying setbacks, etc. when.) as market rates dwelling units provided with the same Site Plan or Subdivision Plat use the same design elements, or where there is no readily identifiable pattern associated with UHNUs.
 - a. Alternatively, UHNUs may have the same variation in design elements that is identical to market rate dwelling units when at least 25% of market rate dwelling units have the same variation of design elements.
 - 4.3. UHNUs must have the same exterior features, such as (e.g., decks or, fences, if they balconies) that are provided as a standard option on for market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 - 5.4. Exterior doors for UHNUs must be provided on at the same level(s) story as provided in exterior doors for market rate dwelling units provided with the same Site Plan or Subdivision Plat.
 - 6.5. Rear and side construction materials for UHNUs must be comparable to market rate dwelling unit rear and side construction materials provided with the same Site Plan or Subdivision Plat used for market rate dwelling units.
 - 7.6. Garages must be provided in for all UHNUs that are adjacent to market rate dwelling units that have a garage. Garages in UHNUs must be and be of the same size as the garages for adjacent market rate dwelling unit units.
 - 2. **UHNU Interspersion.** UHNUs must be interspersed among the market rate dwelling units. To be considered interspersed ~~among market rate dwelling units in the development, the~~ UHNUs must meet ~~1 or more of~~ the following criteria:
 - a. ~~Not be abutting in SFA or MF stacked building.~~
 - 1. ~~Exception: When 2 SFA dwelling units are designed to appear as 1 larger SFA market rate unit in the same SFA building.~~
 - a. Be provided in SFD UHNUs must not be located on lots adjacent to other SFD UHNUs.
 - b. SFA and MF stacked buildings so that there is no MFS UHNUs must not abut other SFA and MFS UHNUs, respectively.
 - b.c. No more than 1 UHNU per building or 38% of the total number of SFA and MFS dwelling units in that an SFA or MFS building, whichever is greater are permitted to be UHNUs.

~~e.d.~~ UHNUs may be located directly across a road ~~or travelway~~ from each other or may back directly to each other across rear yards or common areas ~~if the UHNUs meet the requirements in subsection F.1.~~

~~3. Bedrooms~~ **Alternative UHNU Design Option.** The Zoning Administrator may allow an Alternative UHNU Design to meet the UHNU Compatibility requirements in ~~MF stacked~~ subsections E.1.a., E.1.b, E.1.c, and ~~MF attached~~ E.1.d and/or UHNU Interspersion requirements in subsection E.2 on a case-by-case basis when a design proposal is determined to meet the intent of the UHNU Compatibility and Interspersion requirements in subsection E.

~~a.~~ Requests for an Alternative UHNU Design to meet of the compatibility and/or interspersion requirements must provide the following information:

- ~~1.~~ A plan that identifies the location of the UHNUs that are ~~the same~~ subject to the Alternative UHNU Design and the remaining required UHNUs.
- ~~2.~~ Elevation and plan view drawings of the UHNUs that are subject to the Alternative UHNU Design that depict the building materials, design elements, and building dimensions.
- ~~3.~~ Elevation and ~~number~~ plan view drawings of bedrooms in equivalent ~~the~~ of the market rate dwelling units ~~in~~ that depict the building materials, design elements, and building dimensions.
- ~~4.~~ A written justification that addresses the criteria in subsection E.3.b.
- ~~5.~~ Additional information that the Zoning Administrator deems necessary to evaluate the Alternative UHNU Design request.

~~b.~~ To approve the Alternative UHNU Design request of the compatibility and/or interspersion requirements, the Zoning Administrator must find that the following criteria are met for the UHNUs that are subject to the Alternative UHNU Design request. The Zoning Administrator may forward a Alternative UHNU Design request to ADUAB for comment and recommendation prior to issuing a decision.

- ~~3-1.~~ **Integration:** The UHNUs are integrated into the development, and not isolated and/or physically separated from the market rate dwelling units in the development.
- ~~2.~~ **Location:** The UHNUs are located in the same general area as the market rate dwelling units, preferably proximate to transit, Commercial uses, and other essential services.
- ~~3.~~ **Building Materials and Design Elements:** The UHNUs are designed with building materials and design elements that are consistent with the market rate dwelling units. The quality of construction and materials used in the UHNUs is comparable to that of the market rate dwelling unit.
- ~~4.~~ **Size and Layout:** The UHNUs are not significantly smaller or awkwardly shaped compared to the market rate dwelling units. Significantly smaller in this case is no more than 70% smaller than the average size of the market rate dwelling units that generated the required UHNUs subject to the Alternative UHNU Design request.
- ~~5.~~ **Amenities:** The UHNUs have access to similar amenities as the market rate dwelling units. This could include access to common areas, open space, parking, and any other amenities provided to the residents of the market rate dwelling units.

~~G.F.~~ **Timing of Construction/Availability of UHNUs.** ~~In a development that contains SFD, SFA, or MF dwelling units, the timing-~~ Timing of construction and availability of UHNUs must be as follows:

- ~~1.~~ Occupancy permits for 50% of the UHNUs must be issued prior to issuance of more than 50% of the occupancy permits for market rate dwelling units ~~occupancy permits for~~ in the development.
- ~~2.~~ Occupancy permits for 75% of the UHNUs must be issued prior to issuance of more than 75% of the occupancy permits for market rate dwelling units ~~occupancy permits for~~ in the development.

3. Occupancy permits for 100% of the UHNUs must be issued prior to issuance of more than 90% of the ~~occupancy permits for~~ market rate dwelling units ~~occupancy permits for~~ the development.
4. The following information must be ~~submitted~~ included with each ~~occupancy permit application request for final zoning inspection~~ for a market rate dwelling unit within the development:
 - a. The total number of dwelling units, market rate dwelling units, and UHNUs, ADUs, and AHUs proposed for the development.
 - b. The number of occupancy permits issued for market rate dwelling units ~~within~~ in the development.
 - c. The number of occupancy permits issued for UHNUs ~~within~~ ADUs, and AHUs in the development.
 - d. The ~~lot number legal description~~ or unit number of each UHNU, ADU, and AHU for which an occupancy permit has been issued.

~~J. UHNU Covenants. All UHNUs must be encumbered by restrictive covenants that are recorded among the land records of Loudoun County, Virginia, run with the land, in a form approved by the County and in favor of the County or its designee, and control the sales or rental price of the UHNUs for the following periods of time:~~

- ~~1. Rents for rental UHNUs must be controlled for a period of at least 30 years from the date of the issuance of the occupancy permit for each rental UHNU.~~
- ~~2. Sales prices for UHNUs for purchase must be encumbered for an initial period of at least 20 years and an extended control period and regulations pursuant to the control period for for sale units included in Section 1450 of the Codified Ordinances.~~

~~K. UHNU Adjustments. Upon the request of an applicant, the Board of Supervisors may adjust the following:~~

- ~~1. The percentage of UHNUs required by Sections 2.01.0.E, 2.02.03.F, or 2.02.02.K.1 when a higher proportion of UHNUs in the lowest AMI tier are provided; and/or~~
- ~~2. The AMI tiers in Table 9.02-1 when a minimum of 10% more accessible dwelling units than required by the applicable building code and/or the applicable AHU financing program used pursuant to Section 9.03 to be accessible are provided as UHNUs.~~

~~J.G. Density and FAR Increase and Additional Regulatory Adjustments for Required UHNUs in the PD-MUB Zoning District. When UHNUs are required pursuant to Section 2.02.05.11.I are provided, the development is permitted a density increase pursuant to in accordance with Table 9.02-2, Column B and Additional Regulatory Adjustment pursuant to, and an FAR increase in accordance with Table 9.02-2, Column D.~~

- ~~1. The Zoning Concept Plan Amendment materials All applications submitted in association with the application for the density bonus pursuant to subsection G must designate which dwelling unit type(s) will receive the density bonus and Additional Regulatory Adjustment. increase and FAR increase.~~

Column A	Column B	Column C	Column D
Dwelling Unit Type	Density Increase	Required Percentage of Dwelling Units to be Provided as UHNUs	Additional Regulatory Adjustment FAR Increase
MFA Dwelling Units	20%	6.25%	Increase maximum FAR permitted by 0.2
MFS Dwelling Units	10%	6.25%	Increase maximum FAR permitted by 0.1
SFD and SFA Dwelling Units	10%	6.25%	Increase maximum land area permitted for Single-Family Attached Dwellings <u>SFA dwelling units</u> and Single-Family Detached Dwellings <u>SFD dwelling units</u> under Section 2.02.05.11.I by 2% of total district size

(SFD = single-family detached; SFA = single-family attached; MFS = multifamily stacked; MFA = multifamily attached)

~~6-2.~~ **Calculation of Density Increase.** Multiply the number of ~~each type of dwelling units proposed for a particular~~ dwelling unit ~~type~~ (Column A of Table 9.02-2) ~~proposed for the PD-MUB district~~ prior to compliance with Section 9.01 ~~times by~~ the corresponding Density Increase (Column B of Table 9.02-2) for that dwelling unit type. The resulting number is the total number of ~~bonus additional~~ dwelling units permitted for that dwelling unit type ~~in the PD-MUB Zoning District.~~

~~i.~~ ~~Bonus~~ ~~The cumulative number of additional~~ dwelling units ~~are only permitted to be provided as the dwelling unit type for which the Density Increase percentage was calculated.~~

~~b.a.~~ ~~In no event are the bonus dwelling units is not~~ permitted to cause the residential density ~~of the PD-MUB Zoning District~~ to exceed 54 dwelling units per acre ~~(including any density bonuses increase that may be provided pursuant to Section 2.02.05.11.J and/or Section 9.01).~~

~~1.~~ ~~If additional dwelling units cause an application to exceed the upper density limit set forth in the General Plan, then the upper density limit set forth in the General Plan applicable to the area subject to the application will be increased by the total number of additional dwelling units calculated pursuant to subsection G.~~

~~7-3.~~ **Calculation of Required UHNUs.** Multiply the number of ~~each type of dwelling units proposed for a particular~~ dwelling unit ~~type~~ (Column A of Table 9.02-2) ~~proposed for the PD-MUB Zoning District~~ prior to compliance with Section 9.01 ~~times by~~ the Required Percentage of Dwelling Units to be Provided as UHNUs (Column C of Table 9.02-2) ~~for that dwelling unit type.~~ The resulting number is the ~~minimum~~ number of dwelling units that must be provided as UHNUs for that dwelling unit type ~~in the PD-MUB Zoning District.~~

~~i.~~ ~~In the event that bonus dwelling units cause an application to exceed the upper density limit set forth in the General Plan, then the upper density limit set forth in the General Plan applicable to the area subject to the rezoning application will be increased by the total number of bonus dwelling units calculated pursuant to subsection J.~~

~~4.~~ Nothing in subsection ~~J~~ ~~G~~ will be construed to prohibit ~~an~~ ~~the following, provided the maximum density of the PD-MUB Zoning District does not exceed 54 dwelling unit per acre:~~

~~a.~~ ~~An~~ applicant's voluntary provision of ADUs ~~pursuant to Section 9.01 to include providing additional ADUs and receiving density increases pursuant to Section 9.01, or to prohibit an C.4.~~

~~ii.b.~~ ~~An~~ application from providing more than the ~~number of UHNUs required number of UHNUs addressing for~~ the income ranges specified in subsection ~~C~~ ~~B~~ ~~1~~ provided the application is in conformance with ~~Section 2.02.05.11.J and Section 9.01, and the maximum density of the district does not exceed 54 dwelling units per acre~~ subsection G and Section 9.01.

~~H.~~ **UHNU Modifications.** Modifications to subsections F.1, F.2, and F.3 are ~~permitted pursuant Section 10.10.04.C~~ and as follows:

~~1.~~ ~~All applications for a modification must be submitted in conjunction with the first Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision, or Preliminary Subdivision application for the development.~~

~~2.~~ ~~The ADUAB will review the modification application, and the criteria of subsection H.5 below and make its recommendation to the Planning Commission within 60 days of receipt of a complete application.~~

~~3.~~ ~~The Board of Supervisors must consider, upon recommendation of the Planning Commission, the criteria in subsections H.5.~~

~~4.~~ ~~The time limits set forth in § 15.2-2259 and § 15.2-2260 of the Virginia Code will be suspended during the pendency of an application for modification filed pursuant to subsection H.~~

~~5.~~ ~~The applicant must provide a written justification, and the ADUAB, Planning Commission, and Board of Supervisors must consider and make findings regarding, the following criteria:~~

- a. Whether the proposed alternative will achieve the objective of providing a full range of housing choices in Loudoun County.
- b. How the modification will affect the timing of construction and availability of ADUs compared to market rate dwelling units, and the risk that all required ADUs will not be provided.
- c. Whether there are any existing unique or unusual site constraints, including but not limited to the availability of utilities or infrastructure, that necessitate the modifications.
- d. Whether there are any unusual costs associated with development of the subject property in strict accordance with subsections F.1, F.2, and/or F.3 that would necessitate the modifications.
- e. All Zoning Map Amendment, Zoning Concept Plan Amendment, Special Exception, Site Plan, Subdivision Plat, and Preliminary Subdivision Plat applications for the development must provide the modified timing of construction and availability of UHNUs compared to market rate dwelling units.

K.I. Violations and Penalties. In addition to enforcement under Section ~~11-10.14 et seq.~~, the Zoning Administrator is authorized to pursue the following ~~apply~~ enforcement remedies whenever any person, whether an owner, lessee, principal, agent, employee, or otherwise, violates any provision of the UHNU Program, or permits any such violation, or otherwise fails to comply with any of the requirements hereof:

- ~~1-4.~~ Tenants of UHNUs who fail to submit executed affidavits or certifications, as required by the UHNU Program, are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
- ~~2-5.~~ Tenants of UHNUs who falsely swear or who execute an affidavit or certification required by the UHNU Program knowing the statements contained therein to be false are subject to lease termination and eviction procedures, as provided in the Codified Ordinances.
- ~~3-6.~~ Owners of individual UHNUs who falsely swear that they continue to occupy their respective UHNU as their primary domicile will be subject to injunction or other suit, action, or proceeding to require such owner to either sell the UHNU to someone who meets the eligibility requirements established pursuant to the UHNU Program or to occupy such UHNU as their principal domicile.

9.03 Affordable Housing Unit Program

Purpose. *The purpose of the Affordable Housing Units (AHU) Program is to establish regulations for AHUs when an applicant provides AHUs in lieu of required ~~ADUs or UHNUs.~~ Affordable Dwelling Units (ADU) or Unmet Housing Needs Units (UHNU).*

~~1. Affordable Housing Unit (AHU) Program Applicability.~~ The Applicant may provide AHUs in lieu of ADUs or UHNUs in accordance with the following requirements:

- ~~1. A development that provides the same number or more AHUs as the number of ADUs required pursuant of the AHU Program apply to Section 9.01.D. or UHNUs required AHUs provided in lieu of required ADUs and/or UHNUs as part of an application for a Site Plan or Subdivision pursuant to Sections 9.01.A.4 and 9.02.A will satisfy the ADU Program requirements.~~

~~A. ADUs and UHNUs may be provided collectively.~~ 2. as AHUs within the same development as long as the follows:

1. The total number of AHUs provided is the same number must be equal to or more greater than the total number of required ADUs and and UHNUs for the development. "Development" means a proposal to develop land or an act of developing land that meets, and thereby is subject to, subsection A.1 above.

1.a. A development that provides a fewer number of AHUs than the total number of ADUs required under Section 9.01.C and UHNUs required under Section 9.02.C must provide a sufficient number of additional ADUs or UHNUs, as applicable, to make up the difference.

2. A development that provides AHUs to satisfy the ADU Program requirements is permitted an optional density increase in accordance with Section 9.01.D.3. ~~A development that provides AHUs to satisfy the UHNU Program requirements is permitted the additional benefits associated with Sections 9.02.A.1-5C.3.~~

3. A development that provides ~~a fewer number of AHUs than to satisfy~~ the ~~number of ADUs required under Section 9.01.D or UHNU Program requirements is permitted to count such AHUs as UHNUs required under Section 9.02.A must provide additional ADUs or UHNUs necessary to augment for the shortage and achieve purpose of compliance with~~ the ~~total required ADUs or UHNUs as applicable requirements listed in Sections 9.02.A.1.~~
- 4.B. **AHU Program Income Requirements.** The rents and sales prices for AHUs provided must be in accordance with the rules and regulations governing the applicable AHU funding programs and AHUs must be marketed in accordance with the applicable AHU funding ~~program's~~ rules and regulations.
- 5.C. **AHU Program Development Requirements.** The following requirements apply to any development that provides AHUs pursuant to this ~~Section~~ section:
 - a.1. The applicant must provide written verification to the Zoning Administrator from the applicable affordable housing-AHU funding program of the approval of funding to provide AHUs. Until such written verification is provided by the applicant, only ADUs are permitted to be provided to meet the requirements of the ADU Program ~~or and only~~ UHNUs are permitted to be provided to meet the requirements of the UHNU Program, ~~as applicable.~~
 - b.2. **Designation of AHUs on Site Plans and Subdivision Plats and Associated Construction Plans and Profiles.** Approved Site Plans and ~~or~~ Subdivision Plats and associated Construction Plans and Profiles must:
 - 1.a. Identify the specific number and location of buildings that are to contain AHUs.
 - 2.b. Include a tabulation demonstrating that the total number of AHUs ~~and~~ ADUs and/or UHNUs provided satisfies the total number of ADUs ~~required by Sections 9.01.D or the number of and~~ UHNUs ~~required by Section 9.01.D and Section 9.02.AC, respectively.~~
 - c.3. **Timing of Construction/Availability of AHUs.** In a development that contains single-family detached (SFD), single-family attached (SFA), multifamily stacked (MFS), or MF-multifamily attached (MFA) dwelling units, the timing of construction and availability of AHUs must be as follows:
 - 1.a. **For AHUs provided in MF Attached structures: MFA AHUs:**
 - a. All inspections, ~~including for the~~ base building and individual dwelling units, necessary to allow close-in of the ~~MF Attached AHU structure~~ building must be completed prior to issuance of more than 50% of the ~~market rate dwelling units~~ occupancy permits for the ~~development.~~
 - b.1. ~~Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 75% of the~~ market rate dwelling units occupancy permits for in the development.
 - 2.b. **For AHUs provided in SFD, SFA, or MF Stacked structures: MFS AHUs:**
 - a.1. Occupancy permits for 50% of the AHUs must be issued prior to issuance of more than 50% of the ~~occupancy permits for the~~ market rate dwelling units occupancy permits for in the development.
 - b.2. Occupancy permits for 75% of the AHUs must be issued prior to issuance of more than 75% of the ~~occupancy permits for the~~ market rate dwelling units occupancy permits for in the development.
 - c.3. Occupancy permits for 100% of the AHUs must be issued prior to issuance of more than 90% of the occupancy permits for the market rate dwelling units ~~occupancy permits for in~~ the development.
 - 3.c. The following information must be submitted with each ~~occupancy permit application~~ final zoning inspection request for a market rate dwelling unit within the development:
 - a.1. The total number of dwelling units, market rate dwelling units, and AHUs ~~, ADUs, and UHNUs~~ proposed for the development.

- ~~b-2.~~ The number of occupancy permits issued for market rate dwelling units within the development.
 - ~~c-3.~~ The number of occupancy permits issued for AHUs, ADUs, and UNHUs within the development.
 - d. The ~~lot number~~ legal description or unit number of each AHU-, ADU, and UNHU for which an occupancy permit has been issued.
4. **AHU Compatibility.** Buildings containing AHUs must not be discernable as attainable housing or from market rate dwelling units in the development. To ensure AHUs are not discernable, the following applies:
- a. **MFA AHU Buildings.** When the AHU building is a MFA building, then the following applies:
 - 1. When 1 MFA building is provided in a development and it is the AHU MFA building, then the following applies:
 - a. Each elevation of such AHU MFA building must be similar in building materials, design, and architectural features. Elements used to differentiate the front facade of such buildings are not required on each elevation.
 - b. Each elevation of such AHU MFA building must be composed predominately of primary building materials, with secondary building materials limited to accents or subordinate elements of each elevation, as follows:
 - A. Permitted primary building materials include:
 - 1. Brick
 - 2. Concrete masonry units, split faced or burnished
 - 3. Glass - clear
 - 4. Glass - architectural panels
 - 5. Metal panels
 - 6. Stone or synthetic equivalent
 - 7. Tile masonry or terra cotta
 - 8. Stucco or EIFS (reinforced)
 - B. Permitted secondary building materials include:
 - 1. Brick - panel/veneer, imprint or overlay system
 - 2. Concrete masonry units, flush/plain, split faced, or burnished
 - 3. Cementitious siding or cement fiber board
 - 4. Gypsum reinforced fiber concrete
 - 5. Wood siding
 - 6. Metal panels
 - 7. Cast stone
 - 8. Composite wood trim
 - 9. Fiber reinforced plastic
 - 10. Pre-cast concrete (trim and cornice elements only)
 - C. Additional materials not listed in subsection C.4.a.2 are permitted if the Zoning Administrator determines that they are similar in appearance and quality to the listed materials.
 - 2. When more than 1 MFA building is provided in a development, the AHU MFA building(s) must utilize the same exterior building materials similar to or higher quality than and be of a similar architectural style compatible with to the market rate dwelling units within MFA building(s) in the development in which they are located.

- ~~b.~~ Written documentation and/or plans **SFD, SFA, and MFS AHUs**: When the AHUs are provided as a SFD, SFA, or MFS dwelling units, then the AHUs must utilize the same exterior building materials and be of a similar architectural style to the market rate dwelling unit(s) of the same dwelling unit type in the development.
- ~~1.c.~~ Plans demonstrating that the AHUs are in conformance with ~~this~~the requirement of subsection C.4 must be provided to the Zoning Administrator prior to approval of the first Site Plan, ~~and/or Subdivision Plat and associated~~ Construction Plans and Profiles, ~~and/or Subdivision Plat~~ for the AHUs.
- ~~d.~~ **Exception.** AHUs approved for certain funding sources are not required to meet the requirements of subsection C.4. as follows:
 - 1. Written documentation demonstrating the approval of such funding sources must be provided prior to approval of the first Site Plan and/or ~~plans may include~~ Subdivision Plat and associated exterior ~~design~~Construction Plans and construction requirements ~~or commitments~~Profiles for the associated AHUs.
 - 2. Applicable funding sources include:
 - a. AHUs approved for the Loudoun County Affordable Multifamily Loan Program.
 - a.b. AHUs approved by the following AHU funding source that demonstrate conformance with the building materials and architectural style requirements. programs:
 - A. Low Income Housing Tax Credit (LIHTC) - 9% award only.
 - B. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan Program.
 - C. USDA Section 538 Multifamily Guaranteed Rural Rental Housing Program.

Draft 4/10/2020

CHAPTER 13: DEFINITIONS

A

Affordable Dwelling Unit (ADU): A dwelling unit for rent or for sale that is regulated pursuant to Section 9.01 and Chapter 1450 of the Codified Ordinances.

Affordable Dwelling Unit (ADU) Program: ~~The ADU Program governs the provision and administration of ADUs, establishment of ADU prices and price controls, eligibility requirements for the ADU Program, and the structure and operation of the Affordable Dwelling Unit (Advisory Board (ADUAB)). The ADU Program refers-is implemented pursuant to the program established by Section 9.01 of the Loudoun County Zoning Ordinance, as amended, and regulated by, and Chapter 1450 of the Codified Ordinances of Loudoun County (Codified Ordinances).~~

Affordable Housing Unit: (AHU): A dwelling unit for rent or for sale developed pursuant to one of the following funding programs:

- A. Virginia Housing Development Authority (VHDA) (also known as Virginia Housing) Low Income Housing Tax Credit (LIHTC) Program;
- B. Section 8 New Construction ~~("New Construction")~~, Substantial Rehabilitation ~~("Substantial Rehabilitation")~~ and/or Loan Management Set-Aside ~~("LMSA")~~ Program (also referred to as Section 8 project-based rent assistance).
- C. HUD Section 202 Supportive Housing for the Elderly Program.
- D. HUD 811 Supportive Housing for Persons with Disabilities Program.
- E. United States Department of Agriculture (USDA) Section 515 Multifamily Housing Direct Loan Program.
- F. USDA Section 538 Multifamily Guaranteed Rural Rental Housing Program.
- G. Virginia Department of Housing and Community Development (DHCD) programs administering National Housing Trust Fund monies, State Housing Trust Fund monies, or federal HOME funds.
- H. Other similar funding programs as approved by Zoning Administrator in consultation with the Loudoun County Department of Housing and Community Development.

Affordable Housing Unit (AHU) Program. ~~The AHU Program governs the provision and administration of AHUs. The AHU Program is implemented pursuant to Section 9.03.~~

Area Median Income (AMI): The annually estimated area median income developed by the United States Census Bureau for the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro Fair Market Rent (FMR) Area (DC-VA-MD FMR Area) as determined by the Office of Management and Budget (OMB) and used by the Department of Housing and Urban Development (HUD), Virginia Housing Development Authority (VHDA) (also known as Virginia Housing) and other State agencies, and local governments to determine eligibility for assisted housing programs for an area. Loudoun County is part of the DC-VA-MD FMR Area. Also known by HUD as Area Median Family Income (AMFI).

U

Unmet Housing Needs Unit (UHNU): A dwelling unit for rent or for sale that is regulated pursuant to Section 9.02.

Unmet Housing Needs Unit (UHNU) Program: The UHNU Program governs the provision and administration of UHNUs. The UHNU Program is implemented pursuant to Section 9.02, and applicable sections of Chapter 1450 of the Codified Ordinances of Loudoun County.

V

Vertical Cost: The cost of constructing a prototypical single-family detached (SFD) affordable dwelling unit (ADU) as established on a semiannual basis by the Affordable Dwelling Unit Advisory Board (ADUAB). Vertical cost does not include the cost of land for the ADU.

Draft 4/27/23