



## MEMORANDUM

**Date:** Monday, December 2, 2020

**To:** James David – Deputy Director, Dept. of Planning & Zoning, Loudoun County, VA

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**Subject:** Subtask 4.3, *Zoning Incentives*, of Task 4, *Best Practices*

This memorandum provides a best practices assessment as it relates to Subtask 4.3, *Zoning Incentives*, of Task 4, *Best Management Practices Research*, for our work on the Planning and Zoning Services contract with Loudoun County, VA.

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### Zoning Incentives

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Zoning incentives are options that offer an applicant an incentive to develop in a certain method. Zoning incentives can create flexibility while preserving all critical procedural steps laid out within a zoning ordinance. Incentives can be used to induce the provision of certain features, design elements, uses, services, or amenities desired by a locality that the Code of Virginia does not otherwise expressly enable the locality to require. In return, the locality may provide bonuses in the form of increased project density or other benefits to a developer.

The zoning incentives described in this memorandum are regulatory in nature and do not include any reductions in development costs and/or fees. These examples are provided as options and ideas for Loudoun County to consider and use to derive context-specific incentives as part of the Zoning Ordinance Rewrite. Some of the concepts discussed may work well in some of the locations in the County while not being a reasonable approach for other locations. For this reason, they are not to be thought of as one size fits all solutions. Additionally, some options do not involve an explicit exchange of regulatory benefits for certain development features, but rather highlight how certain regulatory strategies can encourage desired outcomes.

The description for each incentive includes a brief overview and introduction to the incentive; examples from other jurisdictions where the incentive has been applied; a discussion about how the incentive can be applied in Loudoun County; *Loudoun County 2019 General Plan (2019 GP)* objectives that are supported by the incentive; the incentive's advantages and disadvantages; and references to the example jurisdiction's documents. Where applicable, specific references to Loudoun County's current incentives are provided. The authority granted under the Virginia statutes to apply zoning incentives as amendment(s) to local regulations is established under Code of Virginia § 15.2-2286(A)(10) and as further specified within this memorandum.

As part of this memorandum the following zoning incentives will be discussed:

- Density Bonuses
- Intensity Bonuses
- Graduated Density Zoning
- Vertical Mixed-Use Incentives
- Reduced Parking Requirements
- Reduced Streets Widths and Geometric Standards
- Low Impact Development Design Practices
- Expedited Permit Approval Process
- Alternative Equivalent Compliance

## **Density Bonuses**

*Statutory Authority: Code of Virginia § 15.2-2280, § 15.2-2286.1, § 15.2-2304*

Density bonuses are used to encourage and incentivize certain development styles and achieve specific policy goals related to residential development. Jurisdictions of all sizes frequently apply density bonuses as a means for sparking development interest in specific locations to make infill development economically viable. Density bonuses increase the maximum allowable development on a site in exchange for a developer providing certain advantageous outcomes desired by a local government. Density bonuses can allow for increases in developed square footage and/or increases in the number of developed units. This tool works well in areas where market demand is strong and land availability is scarce. For this reason, density bonuses have been an effective strategy for communities seeking to encourage the production of affordable housing units. A bonus density may be permitted in exchange for a commitment to the production of a certain number of units that meet the community's unmet housing price levels.

Loudoun County may consider various options to structure a density bonus within its zoning regulations. Density bonus regulations must have a distinct purpose, identify applicable areas, and advance specific community goals. For example, jurisdictions may calculate the increase as a means to permit a larger number of units in a building or development site or provide a bonus height allowance or exemption from height restrictions that allows for construction of additional stories. Increasing density could also be achieved by reducing the amount of open space required on a development site or the required number of parking spaces.

*Portland, Oregon:* Portland, OR encourages higher-density infill development in single-family zoning districts by permitting duplexes to be constructed on corner lots. To complement existing neighborhood character while gaining higher density, the duplex must include unit entrances on each street fronting façade. This creates a neighborhood that is not fully single-family, but that maintains a certain level of lower density.

*Caledonia, WI:* In Caledonia, WI, density bonuses are used to protect and maintain quality open space through conservation design, as well as to encourage the provision of affordable housing. Caledonia offers developers up to an additional 20 percent density bonus to the number of lots allowed if they provide additional community benefits, including such elements as open space,

connectivity, environmental corridor preservation, and a minimum 15 percent of units as affordable to moderate income households.

Arlington County, VA: Arlington County, VA has applied density bonuses to promote the development of higher densities than would otherwise be allowed for projects that provide housing for low- or moderate-income households. Allowances include increases in building height (up to six stories or 60 feet above the height ordinarily permitted) and increases in residential density. The County permits the additional density in exchange for the developer's commitment to factors such as inclusion of low- or moderate-income units, the location and size of those units, the amenities to be provided for low- and moderate-income residents, and other factors. Affordable units must remain available for at least 30 years or as approved. In addition to encouraging affordable housing, the County uses density bonuses to encourage implementation of adopted sustainable design incentive program policies.

### **Application in Loudoun County**

Loudoun County could implement a similar approach to Caledonia's that aligns with policy areas and Place Types. The County could apply a density bonus option to incentivize developers to preserve open space and build denser developments rather than large-lot, low-density residential development in areas that can accommodate more intense development. The targeted areas must be compatible with development capacity (environmental and infrastructure) for the more intense development.

To maximize the potential use of density bonuses, the County should be cognizant of factors that may limit a developer's full leveraging of the tool. It must ensure a properly trained staff to both promote its use and ensure accurate administration of the provisions, particularly if combined with other incentive tools. Furthermore, the bonus densities should align with the demands of the private market, otherwise the program risks underuse. Ensuring that any proposed incentive has a true financial benefit for a developer frequently requires a financial analysis that is outside the scope of this memorandum. Additionally, with market fluctuations a periodic review of an incentive by County staff is ideal to ensuring that the incentive is something that can be used by a developer. This analysis is, however, not only beneficial to determining whether an incentive calibration should be modified, but also may be used to demonstrate to a developer that a true incentive does exist. Our experience has taught us that small-scale local developers often do not realize how beneficial an incentive can be for them until they see a sample scenario.

The County currently allows a project a density bonus when it provides affordable dwelling units (ADUs) pursuant to Article 7. Additionally, a density bonus may be achieved in the PD-MUB district when a project provides unmet housing needs units. Key challenges to expanding the use of density bonuses would be to ensure the development requirements are set low enough (e.g. height, density) to incentivize developers to use the bonus density.

- Related 2019 GP Objectives:
  - **Chapter 2, Infill and Redevelopment, 1.4.D.** Develop creative incentive programs for projects located within the priority areas for redevelopment identified on the Priority Commercial Redevelopment Areas Map and other qualifying projects,

such as increases in permitted density where infrastructure is available, reduced fees, or expedited review processes.

- **Chapter 2, Quality Development, 7.1.F.** Amend zoning regulations and design standards to implement Place Types. It may be necessary to utilize incentive provisions to achieve the maximum development intensity or residential density stated in this Plan for any individual Place Type.
- **Chapter 2, Suburban Policy Area, 2.1.A.** Provide incentives for redevelopment, infill development, and adaptive reuse projects that will enhance quality of life and neighborhood character, fulfill community needs, and improve economic opportunities (see Infill and Redevelopment section).
- **Chapter 3, River and Stream Corridor Resources, 9.1.B.** Establish incentives for sustainable development.
- **Chapter 4, Housing, 1.2.A.** Amend zoning regulations and design standards to incorporate density bonuses and other incentives into appropriate zoning districts to encourage the provision of housing to address the County's unmet housing needs in areas currently served by or planned for mass transit.
- **Chapter 4, Housing, 1.6.B.** Research and implement effective incentives, such as appropriate density increases for the provision of housing focused on the County's unmet housing need proximate to major employment centers and public transit such as Silver Line Metrorail stations, as well as the offset of capital facilities contributions to reduce housing development costs to foster a continuum of housing affordability for workers in Loudoun.
- **Chapter 4, Housing, 1.6.A.** Provide incentives to encourage zoning map amendments or zoning concept plan amendments on previously entitled properties that increase the provision of a mix of smaller housing types and affordably priced housing.
- **Chapter 4, Housing, 3.1.I.** Develop effective incentives that enable development to meet unmet housing needs to include housing for households with incomes at or below 30 percent Area Median Income (AMI) and 50 percent AMI, which is the area of greatest need.
- **Advantages:**
  - Provides a flexible and multi-purpose tool to achieve policy goals, including the production of affordable housing and increases housing choice.
  - Stimulates construction of a public good without spending capital funds.
  - Creates predictable development scenarios.
  - Works best in areas where growth is desired and land availability is limited.
  - Encourages a mixed-income community.
- **Disadvantages:**
  - Conflicts with or could be incompatible with factors such as infrastructure capacity or environmental constraints.

- Requires staff training on how to accurately administer the provisions.
- Need political will to support maximizing planned and permitted density, as well as density bonuses.
- Loudoun County currently allows an optional increase in density for projects providing Affordable Dwelling Units (ADUs). Pursuant to the Code of Virginia Section 15.2-2304, this optional increase in density is the only state-enabled incentive for providing ADUs; therefore, there is a potential for overuse of the density bonus as an incentive.
- **References:**
  - Portland, OR: Section 33.110.240.E, *Duplexes and attached houses on corners*.  
<https://www.portlandoregon.gov/bps/article/53295>
  - Caledonia, WI: Sec. 14-3-4(b)(2), *Development Yield Bonus*.  
<https://caledonia-wi.gov/sites/default/files/Title%2014%2C%20Chapter%203.pdf>
  - Arlington, VA: Housing, Land Use & Zoning Tools  
<https://housing.arlingtonva.us/development/land-use-zoning-tools/>

## **Intensity Bonus**

*Statutory Authority: Code of Virginia § 15.2-2280*

An intensity bonus is frequently used to create flexibility for context-sensitive non-residential or mixed-use development. Unlike density bonuses used to incentivize residential development (see page 2), intensity bonuses are used to increase the regular maximum permitted intensity. The most common use of intensity bonuses is to relax the floor area ratio (FAR), which is the calculation of the ratio of the total usable floor area of buildings on a site to the total area of the lot. Intensity bonuses may also increase lot coverage or building height in exchange for, or the addition of, extra public amenities to the site design such as public art, enhanced streetscape, or an outdoor plaza. This tool works well in areas where market demand is strong and land availability is scarce. This incentive has been regularly applied in locations where there is capacity for mixed-use development, especially near transit facilities or areas where higher intensity infill or redevelopment is desired.

Orlando, FL: Orlando, FL uses a flexible approach to intensity bonuses to encourage superior urban design; provide a greater mixture of land uses; and achieve other community goals such as increased affordable housing choice, access to multi-modal transit, and provision of pedestrian-oriented amenities. First, the project must include at least two uses as part of a submitted master plan or rezoning request in conjunction with a planned development district. Next, the project must meet a defined set of criteria to leverage the bonus opportunity. The bonus can be used as either an increased FAR as defined in the ordinance or as a progression of intensity from one future land use designation to the next more intensive future land use designation (e.g., Office Low Intensity to Office Medium Intensity).

Chicago, IL: Since 2013, Chicago, IL has used intensity bonuses through their bulk and density standards to encourage higher intensity development in their business and commercial districts

near transit. In designated districts, the City has incentivized development within transit corridors through either providing FAR increases or reducing minimum lot area if the developer satisfies certain criteria. For example, development projects proposed within 1,320 feet of a rail station entrance or bus line corridor may be able to increase their maximum FAR from 3.0 to 3.5 without extra conditions. However, if developing within 2,640 feet of a rail station or bus line corridor, the developer may be eligible for the incentive if parking reductions are also satisfied.

Bellingham, WA: Bellingham, WA uses FAR bonuses to implement specific area plans to encourage “greater modulation in individual buildings and the greater urban fabric.” The City offers a variety of approaches to achieve the additional maximum bonus, including options such as adding affordable housing, incorporating public plazas and open spaces, or including green building practices (LEED or equivalent).

### **Application in Loudoun County**

Combined with site development requirements, intensity bonuses can be used to achieve key 2019 GP objectives such as those listed for this incentive. The tool may be considered for a variety of approaches, including increases in height allowance or exemption from height restrictions that allows for construction of additional stories; reduction or increase in the amount of open space required on a development site; or reduction in the number of required parking spaces. Currently, Loudoun County only applies intensity bonuses for FAR and lot coverage bonuses to development proposals in the Route 28 corridor districts as a means to encourage such practices as lot assembly, sustainability, structured parking, and fulfilling unmet housing needs.

The current Incentive Elements within Section 4-2400, Route 28 PD-CM, provide a good framework to consider for the Zoning Ordinance Rewrite. However, if the current incentives are not used or if expanding similar incentives to other zoning districts in the County occurs, it will be critical to ensure that the value of the bonus element (e.g., the increase in floor area) should not exceed the developer’s cost for providing the additional design amenity. In general, intensity bonuses could provide the County a useful tool to advance the 2019 GP’s objectives if expanded beyond the current application to other districts and Place Types.

The most complex factor for the County to consider is whether the applied intensity increase balances between the value of the bonus and the cost to the developer of providing the incentivized amenity or design element. Any incentive set forth will be underused if the cost of providing the amenity exceeds the value gained in the bonus. Therefore, using a financial perspective when calculating the specifics of the regulations and incentives is critical to the process. Additionally, frequent review of the application of a bonus is necessary to ensure that the incentive can work financially from a developer’s perspective.

- Related 2019 GP Objectives:
  - **Chapter 2, Quality Development, 7.1.F.** Amend zoning regulations and design standards to implement Place Types. It may be necessary to utilize incentive provisions to achieve the maximum development intensity or residential density stated in this Plan for any individual Place Type.

- **Chapter 2, Suburban Policy Area, 2.1.A.** Provide incentives for redevelopment, infill development, and adaptive reuse projects that will enhance quality of life and neighborhood character, fulfill community needs, and improve economic opportunities (see Infill and Redevelopment section).
- **Chapter 2, Infill and Redevelopment, 1.6.B.** Create incentives for parcel assembly and funding opportunities for infrastructure improvements associated with redevelopment projects to alleviate private sector risk and costs.
- **Chapter 3, River and Stream Corridor Resources, 9.1.B.** Establish incentives for sustainable development.
- **Chapter 4, Housing, 1.2.A.** Amend zoning regulations and design standards to incorporate density bonuses and other incentives into appropriate zoning districts to encourage the provision of housing to address the County's unmet housing needs in areas currently served by or planned for mass transit.
- **Chapter 4, Housing, 1.6.A.** Provide incentives to encourage zoning map amendments or zoning concept plan amendments on previously entitled properties that increase the provision of a mix of smaller housing types and affordably priced housing.
- **Chapter 4, Housing, 3.1.I.** Develop effective incentives that enable development to meet unmet housing needs to include housing for households with incomes at or below 30 percent AMI and 50 percent AMI, which is the area of greatest need.
- **Advantages:**
  - Provides flexibility and options for achieving higher site development intensity in appropriate or desired areas.
  - Addresses multiple comprehensive plan goals and objectives.
- **Disadvantages:**
  - If incentive not administered as a by-right option, a high level of negotiation is required.
  - Staff must be well trained to effectively administer the ordinance provisions.
  - If the cost of the amenity exceeds the bonus value, the developer will have no incentive to provide the amenity.
  - Limits incentive to robust market environments, otherwise if misaligned could result in non- or under-usage.
- **References:**
  - Orlando, FL – Part 6, *Density and Intensity Bonus*  
[https://library.municode.com/fl/orlando/codes/code\\_of\\_ordinances?nodeId=TI TIICICO\\_CH58ZODIUS\\_PT6DEINBO](https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=TI TIICICO_CH58ZODIUS_PT6DEINBO)
  - Chicago, IL – Sec. 17-3-0403-B *FAR Increase for Transit-Served Locations* .  
<http://library.amlegal.com/nxt/gateway.dll/Illinois/chicagozoning/title17chicagozoningordinance/chapter17->

[3businessandcommercialdistrict?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:chicagozoning\\_il\\$anc=JD\\_17-3-0400](https://www.chicagozoning.com/3businessandcommercialdistrict?f=templates$fn=default.htm$3.0$vid=amlegal:chicagozoning_il$anc=JD_17-3-0400)

- Bellingham, WA – Sec. 20.35.070(D)(2), *FAR in Overlay District*.  
<https://bellingham.municipal.codes/BMC/20.35.070>

## **Graduated Density Zoning**

*Statutory Authority: Code of Virginia § 15.2-2280*

Graduated density zoning (GDZ) is an emerging zoning incentive tool that allows higher density on larger sites to encourage land assembly for infill redevelopment. GDZ incentivizes developers to build higher density buildings on large plots of land and construct less dense structures on small plots of land. Ultimately, it encourages the efficient use of premium urban land for denser development. If a developer can assemble enough adjacent properties, the higher density allowed on the larger site leads to higher land values per square foot. Developers have a new incentive to pay more to assemble small properties, and mutually, adjacent owners have a new incentive to sell their land for redevelopment. Allowing higher density on larger sites can stimulate voluntary land assembly because the whole is worth more than the sum of its parts. For example, the by-right development of a 5,000 square foot parcel might be limited to a single-family home. Assembly of several lots to create a tract of 10,000-15,000 square feet might allow for development of multifamily housing or mixed-use development at significantly higher densities or FARs than the base single-family zoning.

*Jersey City, NJ and Simi Valley, CA:* The few jurisdictions that have applied the GDZ incentive structure have found it to be very beneficial in stimulating higher quality and higher density development in appropriate places. Jersey City, NJ and Simi Valley, CA are two cities that have used the tool. Using GDZ, private developers in both cities have been able to consolidate lots to produce higher density or intensity on a development site. Simi Valley's provision incentivizes higher intensity of development in their mixed-use overlay district through the establishment of a 10 percent threshold increase in the number of dwelling units per acre over the maximum permitted density in the standard planned development regulations, allows a greater percentage of a project's floor area to be non-residential uses, and/or allows a reduction in residential development standards. Jersey City, NJ incentivizes higher density around its transit hub to assemble fragmented parcels. The R-3 mid-rise apartment zoning district allows 60 dwelling units per acre on a lot that is 6,000 square feet in size. The permitted density increases as the lot size increases with lots equal to or greater than 22,000 square foot lot allowed to develop 145 dwelling units per acre.

### **Application in Loudoun County**

With Loudoun County's objective to incentivize redevelopment and high-quality infill in Place Types near transit and established mixed-use areas, the GDZ tool provides a market-based and voluntary mechanism for stimulating development. Although the incentive has only been used in a few locations, its success makes it an attractive mechanism to ease the political challenges of higher density and economics of land assembly.

- Related 2019 GP Objectives:
  - **Chapter 2, Infill and Redevelopment, 1.6.B.** Create incentives for parcel assembly and funding opportunities for infrastructure improvements associated with redevelopment projects to alleviate private sector risk and costs.
  - **Chapter 2, Suburban Policy Area, 2.1.A.** Provide incentives for redevelopment, infill development, and adaptive reuse projects that will enhance quality of life and neighborhood character, fulfill community needs, and improve economic opportunities (see Infill and Redevelopment section).
  - **Chapter 2, Quality Development, 7.1.F.** Amend zoning regulations and design standards to implement Place Types. It may be necessary to utilize incentive provisions in order to achieve the maximum development intensity or residential density stated in this Plan for any individual Place Type.
- Advantages:
  - Serves as a voluntary and market-based incentive for a developer to assemble parcels for higher density development and redevelopment.
  - Provides a potential higher land value to smaller lots and thus creates an incentive for owners to participate in land assembly especially in high-demand areas.
  - Protects older neighborhoods against out-of-scale overbuilding on single lots with lower densities.
  - Can help avoid spot upzoning and piecemeal projects on small sites.
- Disadvantages:
  - Less likely to work in areas that lack high market demand for development.
  - Voluntary in nature, therefore one specific property owner could refuse to sell during a land assembly effort, which would limit or eliminate the incentive's use.
- References:
  - Jersey City, NJ –Sec. 345-42., *R-3 Multi-Family Mid-Rise District*  
[https://library.municode.com/nj/jersey\\_city/codes/code\\_of\\_ordinances?nodeId=CH345ZO\\_ARTVZODEST\\_S345-42MUMIMSEDI](https://library.municode.com/nj/jersey_city/codes/code_of_ordinances?nodeId=CH345ZO_ARTVZODEST_S345-42MUMIMSEDI)
  - Simi Valley, CA - Sec. 9-44.105.H *Mixed-Use Overlay District Parcel Consolidation Program*  
[https://library.municode.com/ca/simi\\_valley/codes/code\\_of\\_ordinances?nodeId=TIT9DECOSIVAMUCO\\_CH9-44STSPLAUS\\_9-44.105MIEMUOVDIST](https://library.municode.com/ca/simi_valley/codes/code_of_ordinances?nodeId=TIT9DECOSIVAMUCO_CH9-44STSPLAUS_9-44.105MIEMUOVDIST)

## Vertical Mixed-Use Incentives

*Statutory Authority: Code of Virginia § 15.2-2280*

Mixed-use zoning typically allows for horizontally and vertically combining uses on a development site. Whereas horizontal mixed-use consists of single-use buildings within a mixed-use zoning district parcel, vertically mixing uses allows different uses within the same building. Vertical mixed-use (VMU) is an important component in policies that promote transit-oriented development, traditional neighborhood design, and curbing urban sprawl. Like other incentives

presented in this memo, promoting greater use of VMUs may entail the application of a variety of techniques or options. This may include a package of tools including density bonuses, parking reductions, inclusionary housing, site development intensity flexibility, and other approaches.

Austin, TX: The Austin, TX City Council adopted a VMU overlay zoning ordinance in 2006 to permit more VMUs within Core Transit Corridors and Future Core Transit Corridors as defined in the Commercial Design Standards. The goal of the overlay is to incentivize developers with more development options in the City's urban core as well as stimulate development or redevelopment on smaller parcels. The overlay provides a set of relaxed development standards for VMU developments through a one-time opt-in/opt-out (of the overlay) process where neighborhoods provide recommendations on the location and development characteristics of VMU buildings through two public hearings (Planning Commission and City Council). Standards that can be relaxed through this process typically include the following:

- Setbacks: No minimum front, street side, or interior side yard setbacks.
- Floor to Area Ratios (FARs): No floor to area limit.
- Building coverages: No building coverage limits.
- Minimum site areas: No minimum site area limits.
- Parking reductions: An up to 60 percent reduction of the normal requirement for off-street parking is applicable to vertical mixed-use buildings.
- Additional uses:
  - Additional commercial uses in ground floors are allowed in office districts.
  - Consumer convenience services, food sales, retail sales, and restaurants uses are permitted in ground floors.

Since the 2006 inception of the VMU ordinance in Austin, numerous projects have been constructed. Certain areas in the City have seen more activity than others because the opt in/opt-out neighborhood recommendation process creates a mechanism for neighborhoods who like the idea to incorporate the concept more freely.

Chapel Hill, NC and Leesburg, FL: Austin's approach to VMUs presents one of the more robust examples of incentive packages to promote the practice. Many other jurisdictions chose to limit the options to selective items, such as a height bonus or floor area bonus. For example, the Town of Chapel Hill, NC provides a VMU incentive for the construction of housing within the Town Center zoning districts. In return for providing residential uses in vertical mixed-use buildings, the developer receives up to 15 percent or 15,000 square feet of additional floor area, whichever is less. Leesburg, FL adds an additional 10 feet of building height to projects in the Traditional Neighborhood (TDO) block as an incentive for vertical mixed-use buildings.

### **Application in Loudoun County**

Where land prices and demand are high, Loudoun County could implement a VMU incentive package to increase density and provide more development options in desired target areas that provide access to transit, employment, and public amenities. Incentivizing VMU can be tailored to specific policy areas and Place Types based on the desired character. One possibility is permitting certain uses that are not generally permitted in a district to be allowed if high-density residential is located above, such as a big box retailer.

To date, VMU has only been supported or required in the County's existing mixed use districts. It is also allowed in the Rural Commercial (RC) and Planned Development – Housing (PD-H) districts, but rarely used. The County should determine appropriate locations where VMU could be incorporated and better incentivized in its new or updated zoning districts. While loosening development standards is an approach that can be considered, the County's current standards within its mixed use districts do not appear to be overly restrictive. For example, there are no minimum lot size, coverage, or yard requirements in the PD-TRC district.

- Related 2019 GP Objectives:
  - **Chapter 2, Infill and Redevelopment, 1.6.B.** Create incentives for parcel assembly and funding opportunities for infrastructure improvements associated with redevelopment projects to alleviate private sector risk and costs.
  - **Chapter 2, Infill and Redevelopment, 1.3.G.** Develop incentives that encourage the private sector to improve retail and commercial establishments in targeted areas.
  - **Chapter 2, Quality Development, 3.1.B.** Create incentives to ensure a mix of environments and experiences within a development.
  - **Chapter 4, Housing, 1.6.B.** Research and implement effective incentives, such as appropriate density increases for the provision of housing focused on the County's unmet housing need proximate to major employment centers and public transit such as Silver Line Metrorail stations, as well as the offset of capital facilities contributions to reduce housing development costs to foster a continuum of housing affordability for workers in Loudoun.
- Advantages:
  - Curbs sprawl by creating vertical growth instead of horizontal growth, which preserves natural resources.
  - Works best in areas where growth is desired and land availability is limited (e.g. redevelopment, infill scenarios).
  - Encourages the expansion of mixed-use communities by providing additional development options.
- Disadvantages:
  - Does not provide for any true delineation between residential and commercial uses.
  - Does not work well in areas where land is available at a low price.
  - Developer expertise in financing VMU buildings is necessary and not always available in local market.

- **References:**
  - Austin, TX –Sec. 4.3, *Vertical Mixed Use Buildings*.
    - [https://library.municode.com/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT25LADE\\_CH25-2ZO\\_SUBCHAPTER\\_EDESTMIUS\\_ART4MIUS\\_S4.3VEMIUSBU](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-2ZO_SUBCHAPTER_EDESTMIUS_ART4MIUS_S4.3VEMIUSBU)
    - [https://www.austintexas.gov/sites/default/files/files/Planning/2010\\_vmu\\_overview.pdf](https://www.austintexas.gov/sites/default/files/files/Planning/2010_vmu_overview.pdf)
  - Chapel Hill, NC – Sec. 3.8-7 *Incentive for Residential Construction in Town Center (TC) Districts*
    - [https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinance?s?nodeId=CO\\_APXALOUSMA\\_ART3ZODIUSDIST\\_3.8DIST](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinance?s?nodeId=CO_APXALOUSMA_ART3ZODIUSDIST_3.8DIST)
  - Leesburg, FL –Sec. 25-837(2)(b) *TDO, Traditional Neighborhood Block, Building Design, Height*
    - [https://library.municode.com/fl/leesburg/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH25ZO\\_ARTVSIDEST\\_DIV2CHBAST\\_S25-387TDTRNEBL](https://library.municode.com/fl/leesburg/codes/code_of_ordinances?nodeId=PTIICOOR_CH25ZO_ARTVSIDEST_DIV2CHBAST_S25-387TDTRNEBL)

## Reduced Parking Requirements

*Statutory Authority: Code of Virginia § 15.2-2280*

Parking reductions can encourage development flexibility, encourage better context-sensitive developments, and provide lower development costs for the developer. Various national and local trends continue to affect parking demand, including shifts in commuting patterns, retail practices, and higher demand for walkable communities. As a result, many jurisdictions are seeking ways to decrease their parking requirements for all land uses. By reducing off-street parking, communities can lower development costs, potentially free up land for additional units, and reduce the cost of housing for residents. Modifications to the zoning code which offer parking reductions to developers in exchange for additional public-serving amenities include, but are not limited to, affordable housing, enhanced pedestrian infrastructure, and mobility options such as car share programs. Alternatively, where appropriate, some jurisdictions establish parking maximums, rather than minimums, to discourage the creation of excess parking spaces.

Charlotte, NC: Many jurisdictions target or incentivize development in mixed-use, transit-oriented districts and downtowns by setting exemptions, parking maximums, or appropriate parking rates in the zoning code. While *these practices do not represent an incentive explicitly*, they serve to benefit the developer by enhancing opportunities for more intensive and compact use of the development site, freeing opportunities for the inclusion of site amenities and affordable housing. As an example of an exemption, parking spaces reserved for amenities such as electric vehicle charging or car share vehicles do not count against the parking maximum calculations. The goal of such provisions is that if done in combination with transit, such as the City of Charlotte, NC has done in their transit-oriented districts, setting parking maximums have been a useful tool to cap parking and more efficiently use limited land.

Arlington County, VA: Exempting certain uses or districts from the parking requirements has been another useful tool to incentivize infill or redevelopment in urban districts. For example, Arlington

County exempts parking for specified uses, such as restaurants or retail within 1,000 feet of a Metrorail station entrance.

McKinney, TX: In McKinney, TX, parking requirements in the downtown have been significantly reduced or waived in certain areas. Each district within the Town Center has its own parking requirements. For instance, in the Historic Core district, no off-street parking is required for existing buildings and new non-residential structures. In the Downtown Edge area, only one off-street parking space is required for every 500 square feet with the first 2,000 square feet being exempt. This is applied to all existing and new construction of non-residential buildings. Introducing such parking regulations serves communities such as downtown McKinney to encourage more foot traffic and vibrancy to activity centers. The City's exempting non-residential space from parking requirements, while not a direct incentive, serves to encourage small-scale commercial uses in the Town Center.

Alexandria, VA: Alexandria, VA offers a set of parking reductions tied to incentivizing multi-family development within transit corridors. Single-family detached homes and duplexes, rowhouses, and townhouses must have two parking spaces per unit. Multi-family buildings that are located within walking distance of a Metro public transit station are required to provide 0.8 spaces per bedroom, but this requirement is reduced by five percent in the following cases: if the building is within one-quarter mile of four or more active bus routes; the building has a walkability index score of 80 percent or above (buildings with a score of 90 to 100 are eligible for a 10 percent reduction in parking requirements); or 20 percent or more of the units in the building are studio apartments. Additionally, Alexandria provides optional parking ratios for affordable housing inclusion in multifamily buildings. For example, if a building includes income-restricted units, at or below 60 percent of the Area Median Income, a three-quarters of a parking space (0.75) per unit ratio is allowed. Further reductions may be used if the affordable housing unit is within the Metro half-mile walkshed or Bus Rapid Transit half-mile walkshed.

### **Application in Loudoun County**

As part of the Zoning Ordinance Rewrite, the County should consider examples as provided above to identify areas or zoning districts where parking could be reduced or exempted in exchange for some other type of amenity, such as Alexandria's affordable housing alternative parking ratios. For instance, required parking for developments in Urban or Suburban Place Types, including transit corridors or centers, could be waived or capped to encourage infill, redevelopment, or adaptive reuse of strategic sites. Most importantly, implementing a similar standard in Loudoun County could influence developers to build in a manner that enhances walkability.

Task 6, *Parking Regulations*, of our consultant team's contract with the County will further the work presented in this section of the memorandum. This task will include reviewing and analyzing specific standards that occur within the County's existing regulations and comparing these existing standards to national best practices. This analysis will provide specific locations where the parking reductions suggested within this memorandum are feasible for consideration. After the completion of both work tasks, we would recommend determining whether the County wants to proceed with by-right specific standards or if incentives should be used. Incentives work well

when the connection made is known to reduce parking demand. For example, if the parking location provides direct access to transit, then the parking demand will be lowered.

- Related 2019 GP Objectives:
  - **Chapter 2, Quality Development, 7.1.F.** Amend zoning regulations and design standards to implement Place Types. It may be necessary to utilize incentive provisions to achieve the maximum development intensity or residential density stated in this Plan for any individual Place Type.
  - **Chapter 2, Suburban Policy Area, 2.1.A.** Provide incentives for redevelopment, infill development, and adaptive reuse projects that will enhance quality of life and neighborhood character, fulfill community needs, and improve economic opportunities (see Infill and Redevelopment section).
  - **Chapter 2, Infill and Redevelopment, 1.3.G.** Develop incentives that encourage the private sector to improve retail and commercial establishments in targeted areas.
- 2019 Countywide Transportation Plan (2019 CTP) Policies and Goals:
  - **Chapter 2, Transit Infrastructure Goal, III.** Ensure the transportation system and land use policies foster greater transit use through incentives or management of parking, supportive services, and other public/private initiatives.
  - **Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-1.54 Live/Work.** The County will provide information regarding the benefits of working in a mixed-use urban center and encourage employees to consider options for living closer to their workplaces.
  - **Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-1.55 Metrorail and Transit.** The County will strongly encourage the use of Metrorail and other transit services, and work with companies in the Urban Policy Areas to develop strategies to encourage daily ridership, and incentives for those who do not drive alone. The County will work with development applicants to ensure that transit is featured as a prominent component of the development proposal.
  - **Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-1.56 Traffic Scoping.** The trip reduction guidelines described in this section shall be applied to planning studies, traffic impact study scoping documents, and land development applications, as applicable and requested, when identifying needs and mitigating impacts of proposed transit-oriented developments. During traffic scoping, the Applicant may also request to take reductions based on ITE, ULI, or other accepted industry standard urban development impact evaluator in consultation with County staff.
  - **Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-1.57 Vehicle Trip Reductions.** Trip reductions shall be permitted for different uses within the Urban Policy Areas based upon walkshed and access to transit if the site is designed according to the guidelines for transit-oriented developments

within this document. The primary/public building entrances claimed within the walkshed must be located within the walkshed area for the associated reduction to be utilized.

- **Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-1.58 Minimum Parking Reductions.** Reductions to parking requirements will be evaluated by standards of the County's Zoning Ordinance and policy. The policy component of this review will be based upon the trip reductions described above as well as any information provided by the Applicant as justification for the reduction.
- **Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-1.59 Car Share and Bike Share.** The County will study the creation of a bike share system and encourage car sharing services to locate in the Urban Policy Areas in order to allow residents and workers to access local and regional services without the need for a private automobile. The County will request that development applicants provide opportunities for car share and bike share within their developments.
- **Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-1.60 Carpools and Vanpools.** The County will work with employers in the Urban Policy Areas to encourage workers to commute by carpool and vanpool, and to incentivize those who do not drive alone.
- **Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-1.61 High-Occupancy Vehicle and Bus Lanes.** The County will consider alternative travel lane typologies along roadways within the Urban Policy Areas in order to encourage alternative travel options.
- **Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-1.62 Dynamic Parking.** The County will encourage the development of dynamic parking systems in public and publicly-accessible parking structures in order to guide drivers to available spaces.**Chapter 3, The Built Environment, Transportation and Land Use, TDM 3-2.25 Parking Reductions.** The County will consider existing and proposed TDM programs as a factor when evaluating requests for modifications and reductions to parking requirements. These TDM factors will be evaluated based on demonstration of likely reductions to trip and parking generation rates commensurate with the demonstrated reduced forecasted demand for parking.
- **Advantages:**
  - Allows for more efficient use of land.
  - Provides developers with more developable land area.
  - Produces more aesthetically appealing developments.
- **Disadvantages:**
  - Presents potential push-back from developers if they cannot guarantee customer parking in commercial or mixed-use development sites.

- Depends on supportive development standards to encourage walking, including sufficient density or intensity, or pedestrian-oriented urban design or architectural standards.
- May not reflect underlying market conditions.
- Financing may be difficult to attain when little or no parking is provided, or the project is perceived to be under parked.
- **References:**
  - Alexandria, VA – Sec. 8-200(2)(a), *General Parking Regulations, Multifamily Dwellings, Parking Ratio*  
[https://library.municode.com/va/alexandria/codes/zoning?nodeId=ARTVIII0REPALO\\_S8-200GEPARE](https://library.municode.com/va/alexandria/codes/zoning?nodeId=ARTVIII0REPALO_S8-200GEPARE)
  - McKinney, TX –Appendix G, Sec. G-2.7 *MTC-McKinney Town Center Zoning District, Building Form and Site Development Standards.*  
[https://library.municode.com/tx/mckinney/codes/code\\_of\\_ordinances?nodeId=SPBDERE\\_CH146ZORE\\_AP\\_APXGMTCKTOCEZODI](https://library.municode.com/tx/mckinney/codes/code_of_ordinances?nodeId=SPBDERE_CH146ZORE_AP_APXGMTCKTOCEZODI)
  - Charlotte, NC – Chapter 15.5 *Transit Oriented Development Districts, Off-Street Vehicle and Bicycle Parking, and Off-Street Loading*  
[https://charlottenc.gov/planning/Rezoning/Documents/ZoningOrdCity\\_Chapter\\_15\\_Rev.pdf](https://charlottenc.gov/planning/Rezoning/Documents/ZoningOrdCity_Chapter_15_Rev.pdf)
  - Arlington County, VA –Sec. 8-100, *Off-street parking required.*  
<https://library.municode.com/va/alexandria/codes/zoning?nodeId=ARTVIII0REPALO>

## **Reduced Street Widths and Geometric Standards**

*Statutory Authority: Code of Virginia § 15.2-2242(A)(3)*

Loudoun County could allow for reduced street widths and geometric standards to encourage development that aligns with the Place Types. Reducing street widths and geometric standards would require companion amendments to the County’s Facilities Standards Manual (FSM) and Land Subdivision and Development Ordinance (LSDO). While the reduction of street widths is a useful tool for developments that were overbuilt to a standard that was too large, it is also important to note that there are legal requirements that ensure that road width is not too small. Public streets and private streets are required to have proper equipment and minimum widths, among other requirements, if designated as a fire apparatus access road. Generally, the minimum unobstructed width of the roadway of a fire apparatus access road in Loudoun County cannot be reduced to anything below 20 feet per the Loudoun County Fire Prevention Code. As such, nothing in this document advocates for reducing any such road’s width below 20 feet or to any width that would be a violation of the Loudoun County Fire Prevention Code.

Reducing the width of streets that have been overbuilt is a common practice, particularly seen in urban areas to help aid pedestrian-oriented development. Street networks that are neither too large or too narrow have the tendency to appropriately slow traffic speed, provide a safer environment for all users, and enhance property values. Also, much like parking reductions or exemptions, reduced street widths are *not an explicit incentive* but are valuable for developers in

that it gives them more opportunity to increase their building footprint, add value-enhancing street-level amenities such as plazas or shopping galleries, and enhance landscaping otherwise dedicated to hardscape.

Houston, TX: The City of Houston, TX has noticed the importance of street geometry and the implications it has on creating walkable mixed-use development patterns. Houston recently updated its subdivision standards to reflect alternative minimum street widths for areas that qualify in their Walkable Places Program. Their goal is to encourage pedestrian-oriented developments by shifting the reliance on auto-oriented standards incompatible with highly urban contexts throughout the City. The new ordinance sets forth exceptions to standard right-of-way widths for areas with a “walkable places plan” to modify their dimensions to reflect a more pedestrian-friendly street.

Freemont, CA: The City of Freemont, CA includes development standard modifications as an incentive or concession for inclusion of affordable housing development projects. The City recognizes that these modifications result in identifiable and actual cost reductions to the developer. Among the reductions, modifications to minimum street widths are offered in exchange for the affordable housing provision. As part of receiving a density bonus to developments which incorporate affordable units for lower income households, the developer may request various modifications, including the reduced minimum street width. The ordinance does not provide a specific limit of the reduction.

#### **Application in Loudoun County:**

A review of the infrastructure on the ground in Loudoun County is necessary to determine whether there are any locations within the County where infrastructure has been overbuilt in the past and where narrowing the right-of-way might be a feasible alternative. For these locations, Loudoun County could investigate provisions to effectively promote development flexibility, particularly within the more urbanized and intensively developed Place Types. Regardless, while infrastructure being overbuilt can be a problem, the inverse is also true. The County’s standards requiring a minimum 20-foot unobstructed width for fire apparatus access roads are vitally important to the County. As such we do not advocate for a reduction of any standards applicable to fire apparatus access roads.

- Related 2019 GP Objectives:
  - **Chapter 2, Quality Development, 7.1.F.** Amend zoning regulations and design standards to implement Place Types. It may be necessary to utilize incentive provisions in order to achieve the maximum development intensity or residential density stated in this Plan for any individual Place Type.
  - **Chapter 3, River and Stream Corridor Resources, 9.1.B.** Establish incentives for sustainable development.
- 2019 CTP Policies:
  - **Chapter 2, Countywide Motor Vehicle Plan, Community Traffic Calming Measures, 2-1.28.** The County will promote and implement traffic calming measures in all policy areas through community-based and supported programs,

community plans, development applications, geometric design elements, and collaboration with VDOT.

- **Chapter 2, Countywide Motor Vehicle Plan, Types of Traffic Calming, 2-1.29.** The County will work collaboratively with VDOT and the community in identifying appropriate traffic calming measures within the context of the surrounding area. Measures will be analyzed to determine the most effective tool for each project in coordination with surrounding residents and businesses. The use of geometric design elements, such as roadway curvature, should be considered as part of the initial design and construction of roadways to minimize the need for future traffic calming measures.
- **Chapter 3, Roadway System, DRPT Implementation, 3-1.13.** All roadways within the Urban Policy Areas will be built or retrofitted in accordance with VDOT Road Design Manual Appendix B (2) and DRPT Multimodal System Design Guideline standards and policies and descriptions provided in this plan. Streets internal to a development site should be classified as local secondary roads (VDOT Functional Classification) and local streets (DRPT Multimodal System Classification).
- **Chapter 3, Roadway System, Design to Meet the Typology, 3-1.14.** Based upon the DRPT Multimodal System Design Guidelines, roadways within the Urban Policy Areas will be defined according to the DRPT Multimodal System Classification. The descriptions provided in this chapter are derived from the DRPT Multimodal System Design Guidelines as they are intended to be applied within the Urban Policy Areas. DRPT street classifications are to be applied to CTP roadways within the Urban Policy Areas as listed below. (See Page 3-9 of the 2019 CTP for a list of roadways). Public roadways in the Urban Policy Areas not listed below are to be classified as Local Streets.
- **Chapter 3, Roadway System, Roadway Widths, 3-1.17.** Streets shall be designed to minimum widths required by the standards of the Virginia Department of Transportation, in accordance with an appropriate multimodal street section type approved with this document.

Additional information regarding the design of roadways is found in the Roadway Design Toolkit for the Suburban, Transition, Rural Policy Areas and Joint Land Management Areas and are in Chapter 2 of the 2019 CTP. The Roadway Design Toolkit for the Urban Policy Areas are in Chapter 3 of the 2019 CTP.

- **Advantages:**
  - Benefits local businesses and property values by providing a more inviting and walkable environment.
  - Serves to increase space for value-enhancing street-level amenities such as plazas or shopping galleries.
  - Reallocates potential space that could be used to increase the building footprint or enhance street-level landscaping otherwise dedicated to road infrastructure.

- Provides developers with less development cost by limiting construction material to build.
- **Disadvantages:**
  - Can create inconsistent right-of-way widths if not considered systematically or within a context-based approach.
  - Increases possible perception of traffic capacity issues.
  - Heightens fire/life safety challenges.
- **References:**
  - Fremont, CA: Sec. 18.165.080 *Development standards modified as incentive or concession for housing developments.*  
<https://www.codepublishing.com/CA/Fremont/html/Fremont18/Fremont18165.html>
  - Houston, TX: - Sec. 42-122, *Right-of-way widths*  
[https://library.municode.com/tx/houston/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH42SUDEPL\\_ARTIIIPLST\\_DIV2STSHDR\\_SDAST\\_S42-122RI-WWI](https://library.municode.com/tx/houston/codes/code_of_ordinances?nodeId=COOR_CH42SUDEPL_ARTIIIPLST_DIV2STSHDR_SDAST_S42-122RI-WWI)

## **Low Impact Development Design Practices**

*Statutory Authority: Code of Virginia § 15.2-2280, § 15.2-2286(A)(6)*

The purpose of Low Impact Development (LID) design practices is to reduce the impact of managing and treating stormwater and to provide community-beneficial green infrastructure. LID design practices include, but are not limited to, the installation of rain gardens, pervious pavements, vegetated swales, green roofs, swale blocks, and constructed stormwater wetlands. Requirements or provisions for LIDs typically exist in a jurisdiction's stormwater management technical manuals, however these provisions can be incorporated into zoning regulations or a Unified Development Code to help achieve multiple community goals including incentivizing the use of LID practices in development sites. Zoning regulations can incorporate incentives for LID installations such as reducing the number of parking lot islands and trees required in a new development parking lot in exchange for incorporating a system of parking lot infiltration trenches.

A strategic focus and key item to incentivize when implementing LID programs is minimizing impervious surfaces. Impervious surfaces are a significant contributor to excess stormwater runoff in urban areas. Streets, roofs, parking lots, sidewalks, patios, and other hard surfaces within development sites accelerate the flow of stormwater during heavy rain events. Run-off from hard surfaces can compromise the health of local streams and water bodies when infrastructure is overburdened or poorly designed. These impacts can be greatly reduced when development incorporates a more permeable paving system that provides a usable hard surface but also allows for infiltration of water through the surface. Local governments can influence the amount of permeable surface with the flexibility to either create incentives, set requirements, or create a combination of both for the minimum use of permeable pavements for certain projects. Local governments may choose the type and size of projects to be subject to permeable requirements or incentives and may choose the appropriate level of permeable surfaces.

*San Antonio, TX:* San Antonio, TX has implemented tools to advance better site design flexibility, development incentives, and strategies to implement LID and natural channel design protocols (NCDP). LID/NCDP is a site assessment, site planning, and structural BMP design process that reduces impervious area and its effects. The process works to first identify then protect and preserve environmentally sensitive features. It uses both natural areas and engineered stormwater controls that mimic natural functions with a goal of replicating the predevelopment hydrology. To encourage the use of LID/NCDP, the City provides several bonus credits toward meeting other development requirements, including but not limited to landscaping, parkland, tree canopy, buffering, street trees, density, and stormwater fee credit. It also allows a density bonus and reduced lot standards to incentivize LID/NCDP site design. Credit and offset incentives are scaled, with more credits and incentives available to projects managing a minimum of 60 percent of the water quality volume on site receiving than those managing less than 60 percent of water quality volume on site..

*Pender County, NC:* Pender County, NC has built in additional design and dimensional flexibility to incentivize projects designed utilizing LID techniques. Projects meeting the LID Project Criteria set forth in the County’s Unified Development Ordinance are given reductions from the dimensional standards, including a 25 percent reduction in the “lot size” and “lot size duplex.” Projects within Pender County’s Rural Agricultural, Residential Performance, General Business, Office Institutional, and Industrial Transitional zoning districts are allowed a 50 percent reduction in a number of dimensions, including the minimum lot width, minimum chord length at the right-of-way line for cul-de-sacs, minimum yard setbacks, and minimum required structure separation.

*Altus, OK:* Altus, OK has encouraged LID practices through prioritizing cluster and planned residential options, particularly where these practices become site design features.

### **Application in Loudoun County**

Loudoun County could incentivize the use of additional LID measures that improve upon state-mandated water quality and quality requirements, including commitments to treat more pollutant load on site (rather than purchasing credits) and reducing impervious surface or stormwater volume on site. Currently, LID requirements for the County reside in the Facility Standards Manual (FSM) and are not referenced in the Zoning Ordinance. Where the opportunity exists to provide LID-specific incentives in the zoning ordinance any reference to LID provisions will still need to cross-reference the FSM.

- *Related 2019 GP Objectives:*
  - **Chapter 3, River and Stream Corridor Resources, 2.2.C.** Develop and use incentives to encourage property owners to establish and maintain a 100-foot minimum riparian stream buffer.
  - **Chapter 3, River and Stream Corridor Resources, 9.1.B.** Establish incentives for sustainable development.
  - **Chapter 3, River and Stream Corridor Resources, 2.3.C.** Establish incentives and/or a funding program for reforestation, SWM/BMP projects, and SWM/BMP retrofits.

- **Advantages:**
  - Potential for reduced development costs and value-added amenities when combined with conventional gray infrastructure.
  - Provision and enhancement of open space for recreation.
  - Serves multiple purposes beyond landscaping, including protection of sensitive forested areas, wetlands, and habitats from clearing.
  
- **Disadvantages:**
  - Maintenance of various installations requires regular attention and/or specialized maintenance particularly with the potential for clogging by sediment.
  - Entails more financial risk and is dependent on location and existing conditions to be effective.
  - Contractors and engineers often have limited knowledge concerning LID practices.
  - Limits permeable paving options to areas other than high-traffic areas or for use by heavy vehicles due to lower load-bearing capacity.
  - Limits locations for application due to existing environmental conditions, including slope and soil types.
  
- **References:**
  - Altus, OK – Division 8.500(B), *Stormwater management, Policy Preference for Cluster and Planned Residential Options*  
<http://online.encodeplus.com/reqs/altus-ok/doc-viewer.aspx?secid=5364>
  - San Antonio, TX – Sec. 35-210 *Low Impact Development and Natural Channel Design Protocol (LID/NCDP)*  
[https://library.municode.com/tx/san\\_antonio/codes/unified\\_development\\_code?nodeId=ARTIIUSPA\\_S35-210LOIMDENACHDEPRINC](https://library.municode.com/tx/san_antonio/codes/unified_development_code?nodeId=ARTIIUSPA_S35-210LOIMDENACHDEPRINC)
  - Pender County, NC – Section 7.14 *Low Impact Development*  
<https://www.pendercountync.gov/pcd/wp-content/uploads/sites/15/2020/08/August-17-Unified-Development-Ordinance.pdf>

## **Expedited Permit Approval Process**

*Statutory Authority: Code of Virginia § 15.2-2286(A)(12)*

Expedited permitting can be one way of reducing costs for the developer. In return for cost saved due to time, a developer can advance multiple planning objectives. Jurisdictions may choose to reward developments with an expedited process if the site includes such practices as the development of housing affordable to low- and moderate-income households, economic development, or promoting sustainability practices. Generally, fast-tracking review and permitting reduces the cost of projects for the developer by reducing potential delays and uncertainties in the approval process. This benefits both the developer and staff in the process by building in predictability. It is important, therefore, to build trust and buy-in from the larger community to support an expedited permitting process for the particular focus areas to leverage this incentive tool.

Montgomery County, MD and Pinellas County, FL: Fast-tracking approval processes has become a key tool for many jurisdictions looking to produce more affordable housing. Montgomery County, MD implemented its “Green Tape Program” to provide a streamlined and expedited permit process for new commercial construction in state-designated enterprise zones and for residential or mixed-use developments that designate at least 20 percent of the total number of housing units for residents with income levels in line with the County’s Moderately Priced Dwelling Unit (MPDU) program. Similarly, Pinellas County, FL provides expedited permit processing, along with other incentives, for sponsors of Affordable Housing Developments (AHD) a local certification program. Builders and developers apply for AHD certification with the County’s Planning Department. Upon approval, they are immediately eligible for expedited processing, as well as assistance from a Development Review Administrator. The Administrator serves as an ombudsman and single point of contact, helping to shepherd the development through the review and permitting process and coordinating all comments, questions, and responses from the County.

San Diego, CA: The Expedite Program in San Diego, CA provides expedited permit processing for affordable/infill housing and sustainable development projects. The program promises a more aggressive processing timeline made possible by mandatory initial review meetings to collect early staff feedback, reduce project review cycles, funding of the environmental initial study at initial review, and priority scheduling of a public hearing. A variety of project types are eligible, including developments in which at least 10 percent of units are set aside for households at or below 65 percent of the area median income for renters or 100 percent of the AMI.

Fairfax County, VA: One of the most common approaches to expediting approval process has been to pair the process with other economic development programs. Fairfax County, VA is seeking to use expedited review processes as an incentive to encourage development or redevelopment in specifically designated areas. Under the proposed incentive program (Article 29, Chapter 4 of County Code) the ordinance seeks to encourage the assemblage and redevelopment of properties in designated “Economic Revitalization and Redevelopment Zones.” Proposals considered in designated zones will receive expedited processing of zoning applications. The ordinance is expected to be adopted in early fall of 2020. These provisions are enabled by Code of Virginia § 15.2-1232.2. Creation of local economic revitalization zones.

**Application in Loudoun County:**

Our consultant team recommends a thorough review of your existing departmental operations to determine what types of expedited review currently exist, and if other types of expedited review and approval may be possible. Ensuring sufficient staff capacity to meet the enhanced deadlines of such a program is critical to its ultimate success. Provided that state law permits this concept, projects that include certain types of amenities or other development characteristics that are advantageous to the County could be granted expedited approval timelines. This would incentive developers to include amenities in their projects that provide the County the ability to meet their goals as stated in your planning documents.

- Related 2019 GP Objectives:
  - **Chapter 2, Infill and Redevelopment, 1.3.G.** Develop incentives that encourage the private sector to improve retail and commercial establishments in targeted areas.
  - **Chapter 2, Infill and Redevelopment, 1.4.D.** Develop creative incentive programs for projects located within the priority areas for redevelopment identified on the Priority Commercial Redevelopment Areas Map and other qualifying projects, such as increases in permitted density where infrastructure is available, reduced fees, or expedited review processes.
  - **Chapter 4, Housing, 3.1.I.** Develop effective incentives that enable development to meet unmet housing needs to include housing for households with incomes at or below 30 percent AMI and 50 percent AMI, which is the area of greatest need.
  - **Chapter 4, Housing, 3.1.F.** Provide incentives such as those included in the Affordable Dwelling Unit regulations of the Zoning Ordinance to support Low Income Housing Tax Credit projects to encourage zoning map amendments or zoning concept plan amendments for properties subject to previous legislative zoning approvals when they increase the provision of housing affordable to households earning less than 100 percent AMI.
  - **Chapter 5, Economic Development, 1.5.G.** Strategically use economic incentives as needed for attraction and retention.
  - **Chapter 2, Infill and Redevelopment, 1.3.G.** Develop incentives that encourage the private sector to improve retail and commercial establishments in targeted areas.
- Advantages:
  - Removes potential obstacles and time-constraints for development proposals desirable and beneficial to the community.
  - Can be included as part of a package of other incentives.
  - Tailors approach to define coverage and eligibility for achieving community goals.
- Disadvantages:
  - Requires significant staff capacity to review new proposals in a timely manner.
  - Requires quality submission from applicant to assure expedited review.
  - Limits opportunities for community input if a more streamlined review and approval process is involved.
  - Presents a greater risk of accidental proposal approval that should not have been approved.
- References:
  - Pinellas County, FL – Affordable Housing Incentive:  
<http://www.pinellascounty.org/community/pdf/AffordableHousingGuide.pdf>
  - San Diego, CA - Expedite Program:  
<https://www.sandiego.gov/sites/default/files/dsdib538.pdf>

- Fairfax County, VA - Economic Revitalization and Redevelopment Zones (proposed):  
<https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting-materials/2020/june16-economic-initiatives-final-eip-ordinance.pdf>

## **Alternative Equivalent Compliance**

*Statutory Authority: Code of Virginia § 15.2-2280*

Alternative equivalent compliance is another way to incentivize flexible development options. This tool is used for developments that are in agreement with a locally adopted comprehensive plan and the development regulations' intent; however, they do not meet the exact requirements as stated in the code. Developments using the alternative equivalent compliance method avoid unnecessary trips to quasi-judicial and legislative approval bodies, reduce development uncertainty, and minimize delays.

*Austin, TX*: Austin, TX uses alternative equivalent compliance to approve developments that want to stray from strict compliance to the district regulations. The City offers a process where an applicant fills out a form to receive approval from the Planning Director. The applicant prepares a plan, discusses their project with City staff, lists the sections of the ordinance that the project will not meet, and details how the development will mitigate the ordinance regulations that are not met. The Planning Director reviews the application, assesses the development's intent, and grants or denies the alternative equivalent compliance application.

*Pittsburgh, PA*: Pittsburgh, PA also uses alternative equivalent compliance for new developments regarding landscaping design. The City's process is not as robust as Austin's but does provide relief from strict compliance. If a development wants to deviate from the district's landscaping regulations, the Zoning Administrator has the authority to approve an alternative landscape plan.

*Durango, CO*: Durango, CO provides an administrative option for the use of alternative equivalent compliance. The process is used to evaluate developments within the more traditional, established neighborhoods of the City. The designated administrator evaluates new proposals against the published "Design Guidelines for Established Neighborhoods" and the standards of the designated district to determine whether the quality and character of the proposed development justifies departure from the requirements. For those proposals that meet the design guidelines intent, Durango allows increases in site development standards such as building coverage, FAR, and building height increases.

### **Application in Loudoun County**

Loudoun County currently employs alternative processes for providing landscaping, buffering, and screening standards. The County could investigate additional alternative equivalent compliance approaches to help developers and generate development that is specific to its policy areas and Place Types. An alternative equivalent compliance incentive could reduce requests to modify zoning district development standards (ZMOD) and Additional Regulations for Specific Uses by minor special exception (SPMI), while still advancing community goals and the intent of the

regulations. Alternatively, the alternative equivalent compliance concept could be applied to the County's legislative processes for modifying certain zoning ordinance requirements. Following the example of Durango, the County can leverage the alternative equivalent compliance incentive to achieve maximum development intensity as well as fulfill desired design outcomes within the Place Types.

- Related 2019 GP Objectives:
  - **Chapter 2, Quality Development, 1.1.B.** Create incentives that provide the opportunity to implement design guidelines.
  - **Chapter 2, Quality Development, 7.1.F.** Amend zoning regulations and design standards to implement Place Types. It may be necessary to utilize incentive provisions in order to achieve the maximum development intensity or residential density stated in this Plan for any individual Place Type.
- Advantages:
  - Provides development flexibility while still meeting the goals of the comprehensive plan.
  - Serves as an additional option for developers who can not meet a specific regulation, but are willing to provide a beneficial trade-off to the City.
- Disadvantages:
  - Presents a possible burdensome process for staff.
  - Requires an applicant to submit an application which could trigger significant delays and negotiation when trying to determine if alternative equivalent compliance can be achieved.
  - If not part of a legislative process, does not provide opportunity for public process and community input.
- References:
  - Austin, TX – *Development Assessment & Alternative Equivalent Compliance Application*  
[https://austintexas.gov/sites/default/files/files/Planning/Applications\\_Forms/01\\_dev\\_assess\\_app.pdf](https://austintexas.gov/sites/default/files/files/Planning/Applications_Forms/01_dev_assess_app.pdf)
  - Pittsburgh, PA – Sec. 918.06 *Alternative Compliance*  
[https://library.municode.com/pa/pittsburgh/codes/code\\_of\\_ordinances?nodeId=PIZOOC\\_TITNINEZOCO\\_ARTVIDEST\\_CH918LASCST\\_918.06ALCO](https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=PIZOOC_TITNINEZOCO_ARTVIDEST_CH918LASCST_918.06ALCO)
  - Durango, CO – Sec. 3-1-5-1 *Alternative Compliance*  
<http://online.encodeplus.com/regs/durango-co/doc-viewer.aspx?secid=1342>