

MEMORANDUM

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To: Loudoun County Planning Commission

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

Date: December 1, 2022

Re: December 8, 2022, Planning Commission Work Session
**ZOAM-2020-0001, Zoning Ordinance Rewrite – Open
Space Information Item**

PURPOSE

The purpose of this item is to provide the Planning Commission (Commission) information regarding Chapter 7: Development Standards – Section 7.02 Open Space of the draft Zoning Ordinance. Draft text for Section 7.02 will be included in the second Commission Public Hearing planned for January 2023 and will be made publicly available prior to the Public Hearing date.

OPEN SPACE

Section 7.02 was written to satisfy two of the goals of the Zoning Ordinance Rewrite: to make the Zoning Ordinance easier to use by consolidating open space requirements in one section and to implement the *Loudoun County 2019 General Plan* ([2019 GP](#)). The proposed open space regulations are informed by the Place Type standards to provide the form of development envisioned by the 2019 GP. Incorporating such Place Type standards for open space is further described in the discussion on the amount and types of open space, including Table 1, below. Open space requirements of the *Revised 1993 Loudoun County Zoning Ordinance* are unique to each of the zoning districts. As the open space regulations are standardized changes to existing open space regulations will vary by zoning district.

Section 7.02 Open Space will apply to new residential and nonresidential development except certain agricultural uses.¹ Open space provided in existing developments will be considered in conformance with the new Zoning Ordinance. New developments will have to provide open space in accordance with the new regulations.

¹ Agricultural uses exempt from open space requirements will be required to meet additional standards such as being subject to an approved Conservation Farm Management Plan or Forest Management Plan.

Open space requirements will be consistently administered in the various zoning districts. For example, landscaped open space requirements of the *Revised 1993 Loudoun County Zoning Ordinance* (Revised 1993 Zoning Ordinance), which are listed in several zoning districts but calculated differently from the open space requirements of other zoning districts, will be replaced with standardized open space regulations applicable to all zoning districts.² Existing requirements for legacy zoning districts and active recreation open space requirements for residential development are carried forward from the Revised 1993 Zoning Ordinance with minor changes limited to standardized terms and calculations.³

Amount and Types of Open Space: Instead of providing the amount and types of open space required in each of the various distinct zoning district regulations, Section 7.02 will provide the amount and types of open space for each zoning district (see Table 1). This will allow for consistent administration of open space throughout the County. These requirements are consistent with the 2019 GP for corresponding Place Types for new zoning districts and consistent with existing requirements for legacy zoning districts. The amount of required open space is a percentage of the lot area. Additional open space may be required pursuant to the Chapter 4: Use-Specific Standards.⁴ The types of open space are from the 2019 GP. The definitions in Chapter 13 for these types of open space will be updated.

Table 1. Open Space Requirements by Zoning District		
Zoning District	Amount	Type
Urban Policy Area Zoning Districts		
TRC	10%	Active Recreation, Passive Recreation, Community, and NEHR
UE	10%	Recreational Trails, Community, and NEHR
Suburban Policy Area Zoning Districts		

² Another reason for replacing landscaped open space is that it prioritizes planting grass and other vegetation over conserving the natural plants and environmental features of a site.

³ Legacy Districts: In addition to retained districts from the Revised 1993 Zoning Ordinance and new zoning districts based upon 2019 GP Place Types, the draft new Zoning Ordinance also maintains many existing, or “legacy,” zoning districts that do not correspond to the Place Types to maintain property rights and allow legacy projects to continue building out as approved.

⁴ Examples of open space requirements for certain uses, regardless of zoning district include 35 percent for continuing care facility; 75 percent for bed and breakfast homestay, bed and breakfast inn, country inn, rural resorts, conference and training facilities, and rural retreats. These uses and standards will be presented with Chapter 4: Use-Specific Standards to the Planning Commission for discussion at the January 2023 Commission Public Hearing.

Table 1. Open Space Requirements by Zoning District		
Zoning District	Amount	Type
SN	30%	Active Recreation, Passive Recreation, Community, and NEHR
SCN	15%	Active Recreation, Passive Recreation, Community, and NEHR
TC	10%	Active Recreation, Passive Recreation, Community, and NEHR
CC-NC, CC-CC	20%	Active Recreation, Passive Recreation, Community, and NEHR
R-1, R-2, R-3, R-4,	to maintain gross density	Active Recreation, Passive Recreation, Community, and NEHR
R-8	to maintain gross density of 1 lot per 6,000 sf	Active Recreation, Passive Recreation, Community, and NEHR
R-16, R-24	to meet Active Recreation Open Space requirement	Active Recreation, Passive Recreation, Community, and NEHR
PD-H	30%5	Active Recreation, Passive Recreation, Community, and NEHR
PD-RDP	20%	Active Recreation, Passive Recreation, Community, and NEHR
PD-SA	20%	Active Recreation, Passive Recreation, Community, and NEHR
PD-AAAR	50%	Active Recreation, Passive Recreation, Community, and NEHR
PD-MUB	prior to establishment of bus service: 10% after establishment of bus service: 15%	Active Recreation, Passive Recreation, Community, and NEHR
GB	no minimum	Recreational Trails, Community, and NEHR
CLI	10%	Recreational Trails, Community, and NEHR
Transition Policy Area Zoning Districts		
TR-10, TR-3LBR	70%	Active Recreation, Passive Recreation, NEHR, and Agricultural
TR-3UBF/LF, TR-1	50%	Active Recreation, Passive Recreation, NEHR, and Agricultural
TSN, TCN, TCC	50%	Active Recreation for residential uses, and Passive Recreation and NEHR for nonresidential uses
TR-2	50%	Active Recreation, Passive Recreation, NEHR, and Agricultural
Rural Area Policy Area Zoning Districts		
AR-1, AR-2	70%	Passive Recreation, NEHR, and Agricultural
A-10	to maintain gross density of 1 SFD	Passive Recreation, NEHR, and Agricultural

Table 1. Open Space Requirements by Zoning District		
Zoning District	Amount	Type
	dwelling unit per 10 acres	
A-3	no minimum	Passive Recreation, Community, NEHR, and Agricultural
CR-1	no minimum	Passive Recreation, Community, NEHR, and Agricultural
CR-2, CR-3	to maintain residential density	Passive Recreational, Community, NEHR, and Agricultural
CR-4	no minimum	Passive Recreational, Community, NEHR, and Agricultural
RC	no minimum	Passive Recreational, Community, NEHR, and Agricultural
PD-RV	80%	Passive Recreation, NEHR, and Agricultural
Joint Land Management Area Zoning Districts		
JLMA-1, JLMA-2	30%	Active Recreation, Passive Recreation, Community, NEHR
JLMA-3	50%	Passive Recreation, NEHR, and Agricultural
JLMA-20	no minimum	Recreational Trails, Community, and NEHR
Countywide Zoning Districts		
OP, IP, GI	20%	Recreational Trails, Community, and NEHR
MR-HI	no minimum	Recreational Trails, Community, and NEHR

Providing Open Space: The draft new regulations will encourage the protection of quality open space such as NEHR, prime soils, mature trees of special significance, wildlife habitat, and linear parks and trail corridors identified by the County, while discouraging marginal open space, such as on-site areas within utility easements and required stormwater management facilities. Partial credit is provided for such marginal open space as well as dedicating land to the County for public uses. Section 7.02 will also include sample calculations to assist the public and staff in calculating required amounts of active recreation and open space.

Maintenance of Open Space: As part of making the Zoning Ordinance easier to use, the various open space maintenance requirements have been consolidated, standardized, and clarified. Maintenance of required open space will continue to be the responsibility of an Owners Association (Section 7.09) or the property owner. A new standard specifically requires open space to be kept for the designated uses, such as active recreation, community open space, or agriculture—prohibiting conversion to parking or other inappropriate uses. Standards clarify that maintenance also requires the removal of

diseased, invasive, and noxious plants. Additional maintenance requirements for recreation and landscaped open space, such as repair or replacement of equipment and lawn care, are also included.

Off-Site Open Space: In response to 2019 GP Fiscal Action 3.1.K.vii, the draft regulations will permit open space to be provided off-site by Special Exception.⁵ This off-site open space must be dedicated to the County and accepted by the Board of Supervisors as part of the legislative application request. SPEX approval of off-site open space is limited though; it will receive half the value as on-site open space and may satisfy no more than half of the required open space.

PUBLIC COMMENT THEMES

Public comment themes received during the 90-day [public comment](#) period that are related to open space are summarized below. In response to public comments, staff has extensively revised Section 7.02. The draft text will be presented for the first time at the January 2023 Commission Public Hearing and will be posted on the Zoning Ordinance Rewrite webpage (loudoun.gov/zoningordinancerewrite) in advance of the January 2023 Commission Public Hearing.

- *Uses within Open Space:* Requests were received to clarify which uses will be allowed in areas designated for open space. To avoid conflicting requirements, allowable uses within open space will be provided in Chapter 3 with only a reference to such requirements in Section 7.02.
- *Amenities:* Concern was expressed regarding how the open space regulations relate to the Linear Parks and Trails Framework Plan (LPAT). County-designated linear parks and trail corridors are promoted and coordinated with the new open space regulations.
- *Wetlands:* Requests were made to specifically include wetlands as open space. Preserved wetlands qualify as open space and be encouraged by the new open space regulations.
- *Open Space Credit:* Commenters encourage promoting certain types of existing natural resources by providing “bonus credit.” The draft new regulations assign more value to protecting natural, environmental, and historic resources than other types of open space.

⁵ Amend the zoning ordinance and development regulations as needed to permit a percentage of the open space required on an individual site to be met through off-site permanent open space that creates a more usable, desirable, or environmentally significant open space (see 3.1.J, above) located in the same planning subarea identified in the latest Capital Needs Assessment. (2019 General Plan Fiscal Action 3.1.K.vii)