

Note: The remaining sections of Chapter 7: Development Standards were considered at the Planning Commission's August 30, 2022 Public Hearing.

CHAPTER 7: DEVELOPMENT STANDARDS

7.02 Open Space Standards

5.04 Open Space Standards

Purpose. ~~Chapter 2, Zoning Districts, of this Zoning Ordinance establishes the minimum amount and type of open space requirements by zoning district.~~

Purpose. The purpose of the open space standards is to:

- Promote the public health, safety, and welfare.
- Provide consistent open space standards.
- Implement the General Plan's open space goals ~~by Policy Area and Place Type.~~
- ~~Ensure and provide~~ Provide the open space ~~desired and~~ appropriate to ~~the district requirements in Chapter 2 each Zoning District.~~
- Ensure light, air, and space in all new development.
- Preserve the County's natural, environmental, and ~~historical~~ heritage resources. ~~(NEHR).~~
- Ensure the availability of open space for active and passive recreation.
- Provide open space and amenities in proximity to users, which promotes compact development patterns and reduces the consumption of resources and capital costs.
- ~~Maintain property values.~~

A. ~~5.04.01~~ **Applicability.** Open space standards of Section 7.02 are applicable to all new development.

1. ~~Applicability~~ Exempt. Open space is not required for:

- a. Bona Fide Agriculture; and
- b. Any use that has been designated as permitted within and as a component of provided open space.

B. **General.**

1. The amount and type of required open space ~~is indicated in the Dimensional Standards tables of the Zoning Districts listed in Chapter 2~~ by Zoning District is provided in Table 7.02-1.

1. ~~The open space to be provided must meet the requirements of this section in addition to the open space requirements of the district contained in Chapter 2.~~

2. ~~Zoning Districts that do not require open space contain the notation N/A in the Dimensional Standards tables.~~

Table 7.02-1. Open Space Requirements by Zoning District

<u>Zoning District</u>	<u>Amount</u>	<u>Type</u>
<u>Urban Policy Area Zoning Districts</u>		
<u>TRC</u>	<u>10%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>UE</u>	<u>10%</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>Suburban Policy Area Zoning Districts</u>		
<u>SN-4, SN-6</u>	<u>30%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>SCN-8, SCN-16, SCN-24</u>	<u>15%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>

Table 7.02-1. Open Space Requirements by Zoning District

<u>Zoning District</u>	<u>Amount</u>	<u>Type</u>
<u>TC</u>	<u>10%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>CC-NC, CC-CC</u>	<u>20%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>R-1, R-2, R-3, R-4</u>	<u>to maintain gross density¹</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>R-8</u>	<u>to maintain gross density of 1 lot per 6,000 sf²</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>R-16, R-24</u>	<u>to meet Active Recreation Open Space requirement</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-H</u>	<u>30%³</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-CC</u>	<u>20%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-RDP</u>	<u>20%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-SA</u>	<u>20%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-AAAR</u>	<u>50%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>PD-MUB</u>	<u>prior to establishment of bus service: 10%</u> <u>after establishment of bus service: 15%</u>	<u>Active Recreation, Passive Recreation, Community, and NEHR</u>
<u>GB</u>	<u>no minimum</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>CLI</u>	<u>10%</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>Transition Policy Area Zoning Districts</u>		
<u>TR-10, TR-3LBR</u>	<u>70%</u>	<u>Active Recreation, Passive Recreation, NEHR, and Agricultural</u>
<u>TR-3UBF/LF, TR-1</u>	<u>50%</u>	<u>Active Recreation, Passive Recreation, NEHR, and Agricultural</u>
<u>TSN, TCN, TCC</u>	<u>50%²</u>	<u>Active Recreation for residential uses, and</u> <u>Passive Recreation and NEHR for nonresidential uses</u>
<u>TR-2</u>	<u>50%</u>	<u>Active Recreation, Passive Recreation, NEHR, and Agricultural</u>
<u>Rural Policy Area Zoning Districts</u>		
<u>AR-1, AR-2</u>	<u>70%¹</u>	<u>Passive Recreation, NEHR, and Agricultural</u>
<u>A-10</u>	<u>to maintain gross density of 1 SFD dwelling unit</u> <u>per 10 acres^{1,4}</u>	<u>Passive Recreation, NEHR, and Agricultural</u>
<u>A-3</u>	<u>no minimum</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>CR-1</u>	<u>no minimum</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>CR-2, CR-3</u>	<u>to maintain residential density⁴</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>CR-4</u>	<u>no minimum</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>RC</u>	<u>no minimum</u>	<u>Passive Recreation, Community, NEHR, and Agricultural</u>
<u>PD-RV</u>	<u>80%⁴</u>	<u>Passive Recreation, NEHR, and Agricultural</u>
<u>Joint Land Management Area Zoning Districts</u>		
<u>JLMA-1, JLMA-2</u>	<u>30%</u>	<u>Active Recreation, Passive Recreation, Community, NEHR</u>
<u>JLMA-3</u>	<u>50%</u>	<u>Passive Recreation, NEHR, and Agricultural</u>
<u>JLMA-20</u>	<u>no minimum</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>Countywide Zoning Districts</u>		
<u>OP, IP, GI</u>	<u>20%</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>MR-HI</u>	<u>no minimum</u>	<u>Passive Recreation, Community, and NEHR</u>
<u>PUD</u>	<u>To be determined at establishment of a PUD consistent with the Place Type</u>	

¹Cluster and compact cluster development options only. The required open space must be preserved by means of a permanent open space easement acceptable to the Board of Supervisors.

²Traditional Design Option only.

³Excluding land designated for road rights-of way, commercial, and industrial uses.

⁴Must be in a permanent open space easement acceptable to the Board of Supervisors.

2. Additional open space may be required for specific uses pursuant to Chapters 3 and 4.

3. Minimum required open space amounts are a percent of the gross area of the subject site, except for any portions of the subject site that are reserved for public right-of-way.
4. Required open space must be located on a separate lot.
 - a. Exceptions. Required open space may be provided on the same lot as follows:
 1. Residential development of 4 or fewer lots in the TR Zoning District;
 2. Nonresidential development on a single lot that will not be further subdivided; or
 3. As authorized by the Zoning Administrator to meet the purpose of this Section.
5. Contiguous. Required open space must be contiguous.
 - a. For the purpose of this subsection, abutting open space on abutting property is contiguous.
 - b. Exceptions. ~~The requirement to provide open space according to the standards in the Dimensional Standards tables in Chapter 2, Zoning Districts applies to the following applications initiated after the effective date of may but are not required to be contiguous to other open space:~~
 1. Active Recreation; and
 2. Community Open Space.
6. Active and passive recreation and community open space must be accessible by pedestrian facilities or shared use paths.
- 2-7. NEHR must remain undisturbed and undeveloped except as permitted by the Zoning Ordinance:
 3. ~~All zoning map amendments, including incremental additions to an existing district.~~
 4. ~~All site plans for uses in Residential, Lodging, Public/Civic/Institutional, Commercial, Industrial/Production, Infrastructure Use Classifications as provided in the Use Tables in Section 3.02 with the following exceptions:~~
 - a. ~~Cemeteries, government provided infrastructure, Utilities except commercial solar facilities, uses expressly exempted from providing~~**Permanent Open Space Easement.** Required open space in 3.06 and uses listed under the Use Classifications Agriculture and Miscellaneous.
 - b. ~~All residential subdivisions with 5 or more lots.~~
 5. ~~When applicable, the open space represented on the site plan must be provided in accordance with the approved zoning map amendment and/or Concept Development Plan (CDP) where the site that is the subject of the site plan is located.~~
 6. ~~In the absence of to a previously approved zoning map amendment and/or CDP that includes the subject site, open space must be provided in the amount and type as specified in the Dimensional Standards table contained in the applicable zoning district in Chapter 2, Zoning Districts.~~
- 3-8. Development applications for uppermanent open space easement acceptable to and including 4 new single-family dwelling units, regardless of form (SFD or SFA duplex, triplex or quadruplex) are exempt from providing open space according to the requirements contained in Chapter 2, Zoning Districts unless the affected land area was included in an approved zoning map amendment or CDP with open space requirements.Board of Supervisors.
7. ~~Piecemeal applications that result in the approval of more than 4 dwelling units without the required open space when it would have otherwise been required if the applications had not been submitted separately, will be required to provide the required amount of open space on any future development application.~~
8. ~~All development applications subsequent to an approved zoning map amendment or CDP must include a Comprehensive Open Space Plan (COSP) as described in 5.04.10.~~
 - a. ~~The COSP must show the location of the area subject to the development application and its relationship to all of the open space approved for the development.~~

- b. If the open space requirement is located within the parcel(s) under current review, all information to ensure the provision of the required amount, type, and location and reference to the provisions to insure the long-term protection of the open space must be provided.

~~C. 5.04.02 Calculation of Open Space:~~

~~A. Open Space is calculated by multiplying the required percentage as provided in the district requirements specified in Chapter 2, Zoning Districts, by the gross acreage of the area proposed for development, which may be:~~

- ~~1. The entire parcel area;~~
- ~~2. The combined area of several parcels proposed for development; or~~
- ~~3. The area proposed for development as specified on the site plan.~~

~~B. Open space is not permitted to be located on individual building lots.~~

~~1. Exceptions—The following open space features may be provided on an individual building lot:~~

~~a. River and Stream Corridor Resources provided pursuant to Section 5.03.01 that are less than 1 acre in size.~~

~~b. Steep Slope Areas provided pursuant to Section 5.03.02 that are less than 1/2 acre in size.~~

~~a. The following areas are excluded from the gross acreage used in the calculation of required Exception. As determined by the Board of Supervisors, land accepted for dedication to the County is not required to be subject to an open space easement.~~

~~C. All common open space:~~

- ~~1. Any portion of the parcel that may be included in an easement that would prevent use, as well as part of the development or open space;~~
- ~~2. Any part of the parcel or parcels that will be subtracted or separated from the gross land area specified above before approval of the application and that sets the final amount of open space required.~~

~~D. When specified by district requirements, the amount of open space to be provided must be determined at the earliest plan review opportunity and maintained throughout the development review process until the development is completed unless modified according to Section 5.04.12.~~

~~E. Areas within existing easements or rights of way may be used to meet open space requirements subject to the limitations in 8.04.02.C, except when the recorded right of way or easement language prohibits use contrary to the purpose or intended use of the open space as identified on the CDP or an approved site plan.~~

- ~~1. The easement or right of way holder or beneficiary must acknowledge and approve the designation of open space in the subject area.~~
- ~~2. No more than 30% of the total required open space may be located within an easement or right of way.~~

~~F. Open space must not include pending dedications or reserved rights of way.~~

~~5.04.03 Open Space Types and Purposes.~~

~~A. Open space must be designated as one of the following three types:~~

~~1. **Recreation Open Space.** Areas for leisure activities to enhance physical and mental health.~~

~~a. Active Recreation open space is areas for leisure activities usually of an organized or formal nature and often requiring fields, courts, and/or equipment designed specifically for the activity. Examples include team sports, swimming, playgrounds, golf courses, and dog parks.~~

~~b. Passive Recreation open space is areas for less organized or less vigorous activities that may only require the space to perform the activity or minor accommodations. Examples include hiking, biking, picnicking, or fishing.~~

- ~~2. **Community Open Space.** Areas to allow and encourage public gathering for socialization and community support activities. Examples include outdoor gathering space, plazas, greens, squares, and parks.~~
- ~~3. **Natural, Environmental, or Heritage Open Space.** Areas that contain naturally occurring phenomenon or characteristics that are subject to potentially negative effects from man-made alterations. Examples may include surface or groundwater features, floodplain, prime agricultural or erodible soils, contiguous forest, and threatened or endangered species habitat.~~
 - ~~a. Heritage open spaces may contain natural or man-made structures or landscapes that have gained importance or are unique to represent, interpret, or understand the community's past and are in need of protection or sensitive incorporation into new development.~~
- ~~4. **Agricultural.** Areas of land in use to produce food or fiber for human or animal consumption, including the support of livestock and tree or timber production, and the provision of same as an essential contribution to the local economy. Agricultural open space may also include areas of land underlain with prime agricultural soils that are not currently in use for agricultural purposes.~~

~~B. **Open Space Purpose.** In addition to the Open Space types in 8.04.03 (A), open space must be designated as:~~

- ~~1. **Common.** Common open space is land within, or related to, a development which is designed or intended for the common use or enjoyment of the residents of the development and their invited guests only. Common open space is not owned by individual lot owners in the development. Ownership must be by an Owner's Association (OA) meeting the requirements of Section 5.12. Common open space may include complementary structures and improvements as necessary and appropriate for the intended use.~~
- ~~2. **Public.** Public open space is intended to be available for use by and accessible to the general public without the requirement for residency in the development where it is located. Ownership and management of public open space must be by an OA, or a comparable entity created specifically for the purpose of owning and managing the open space and meeting the requirements of 5.12. Public open space may be owned through dedication by the owner to the County. A fee may be charged for access to the open space.~~
- ~~3. **Private.** The open space may be in private ownership where use and access to the space is determined solely by the owner. The open space area must be under a protective easement limiting its use to the intended open space purpose.~~

5.04.04. Credits for Inclusion in Open Space

~~A. **Bonus Credit.** The following are priorities for protection and inclusion in open space and will receive the indicated credit towards meeting the minimum open space amounts required by Chapter 2 Zoning Districts.~~

- ~~1. Historic resources in any of the following designations (1.25 x the area):~~
 - ~~a. Designated as a National Historic Landmark;~~
 - ~~b. Listed or eligible for listing in the National Register of Historic Places or a contributing resource in a historic district listed or eligible for listing in the National Register of Historic Places;~~
 - ~~c. Listed or eligible for listing in the Virginia Landmarks Register or a contributing resource in a historic district listed or eligible for listing in the Virginia Landmarks Register;~~
 - ~~d. Designated as the following types of Historic Overlay Districts (HOD) pursuant to Section 7.09.08:~~
 - ~~1. Loudoun County Historic Site; or~~
 - ~~2. Contributing resource in a Loudoun County Historic and Cultural Conservation District.~~
- ~~2. Prime agricultural soils not currently in production of food or fiber or in support of livestock and not currently protected by a conservation easement in any Transition Policy Area or Rural Policy Area zoning district (1.50 x the area).~~

- ~~3. Mature forest, as determined by an Urban Forester, Certified Arborist or Landscape Architect in accordance with FSM guidelines and approved by the County's Urban Forester or Director's designee greater than 10 acres in any district (1.25 x the area).~~
 - ~~4. Mature forest as determined in 3 above, greater than 10 acres contiguous to mature forest greater than 10 acres on an adjacent parcel in any district (1.50 x the area).~~
 - ~~5. Pedestrian and bicycle trails or shared use paths that meet the goals or prioritization proposals in the Liner Parks and Trails System (LPAT) (1.25 x the area).~~
 - ~~6. Preservation through protective easements of wildlife habitat or corridors connecting fragmented habitat consistent with and as verified by the Virginia Wildlife Action Plan of the Virginia Department of Game and Inland Fisheries (1.25 x area).~~
- ~~B. **Full Credit.** The following areas will receive 1:1 credit towards meeting the minimum open space amounts required by Chapter 2, Zoning Districts.~~
- ~~1. Historic Resources in any County Historic Overlay District as defined in Section 7.09.08.~~
 - ~~2. Archaeological Resources as verified by a Phase I Archaeological survey performed by a qualified professional.~~
 - ~~3. Cultural Landscapes.~~
 - ~~4. Major or minor floodplain if it is provided as a park or contains a trail or shared use path that is consistent with the LPAT Plan, subject to Section 4.03, FOD. Otherwise, floodplain inclusion is subject to the limitation in 5.04.05.B.3.~~
 - ~~5. River and Stream Corridor Resources as regulated in Section 5.03.01.~~
 - ~~6. Wetland areas.~~
 - ~~7. Very Steep Slope Areas and Moderately Steep slope areas, as regulated in Section 5.03.02.~~
 - ~~8. In the Mountainside Development Overlay District (MDOD):~~
 - ~~a. Mapped Somewhat Sensitive Areas, Sensitive Areas, Highly Sensitive Areas pursuant to Section 4.04.C.1.c.~~
 - ~~b. Mountainside Resource Protection Areas pursuant to Section 4.04.E.~~
 - ~~9. In the Limestone Overlay District (LOD):~~
 - ~~a. Karst/Sensitive Environmental Features and Required Setbacks pursuant to Section 4.05.D.~~
 - ~~b. Prime agricultural or erodible soils or land area currently producing food or fiber for human or animal consumption or in the support of livestock located in the Transition Policy Area or Rural Policy Area and that is not currently protected by a conservation easement.~~
 - ~~c. Mature forest as determined in 5.04.04(a) greater than 1 acre.~~
 - ~~d. Threatened or endangered species and/or habitat that has been verified to be located on the parcel by the Virginia Department of Conservation and Recreation, Division of Natural Heritage pursuant to procedures contained in Chapter 8 of the FSM. (alternately Virginia Department of Agriculture and Consumer Services or Game and Inland Fisheries).~~
 - ~~e. 13. Trails or shared use paths that do not meet the goals or prioritization proposals in the LPAT Plan.~~
 - ~~f. Publicly accessible parks, squares or greens, patios, plazas, outdoor gathering spaces, active recreation spaces and mini-parks.~~
 - ~~g. Open areas required as a condition of Proffers or Conditions of Approval.~~
 - ~~h. Active or passive recreation areas.~~
 - ~~i. Shared use paths or pedestrian and bicycle networks at the minimum width of 10 feet as specified in Table 5.15-1. When paths are provided within larger open space areas receiving credit, the width of the path must not receive additional or separate credit.~~

- ~~j. Community and cultural open space as defined by the General Plan.~~
- ~~k. Gateway Road Corridor Buffers as specified in 5.07.02.~~
- ~~l. Any buffer required by this Zoning Ordinance of 50 feet or greater width that includes a shared use path.~~

~~C. **Other Credit.** The following areas will receive the credit indicated when included in open space:~~

- ~~1. Open areas created by meeting buffer or setback requirements of this Zoning Ordinance (0.75 x the area).~~
- ~~2. Open areas created by meeting any stormwater management requirements including open channels and detention or retention ponds (0.75 x the area).~~
- ~~3. Street trees measured by mature canopy. (0.5 x the area of mature canopy).~~
- ~~4. Any buffer required by this ordinance less than 50 feet wide (0.5 x the area of the buffer).~~
- ~~5. Any buffer required by this ordinance of 50 feet or greater width that does not include a shared use path. (0.75 x the area of the buffer)~~

5.04.05 Open Space Design Standards.

~~A. **General Open Space.** General open space must meet the following Design Standards.~~

- ~~1. Open space intended or provided as a location for community gathering or assembly requiring public access must:
 - ~~a. Be accessible by pedestrians and bicycle by way of a pedestrian facilities and shared use paths, and~~
 - ~~b. Contain features for comfort and convenience and typical for public use and consistent with the intended use, such as benches, trash cans, fountains or water features, play equipment, and landscaping for enjoyment and shade.~~
 - ~~c. When open space is provided in an incremental addition to an existing zoning district, the additional open space that is less than 1 acre in size must be contiguous to at least 1 existing open space parcel or area of approved open space unless it is at least 1 acre. The additional open space must be similar in characteristics to the existing open space to which it will be added.~~
 - ~~d. When adjacent properties contain existing or approved planned open space intended for active or passive recreation open space, every effort must be made to provide pedestrian connections from the proposed development to the existing open space.~~~~
- ~~2. Open Space provided as Public Parks must be bordered on at least 1 side by a public or private road.~~
- ~~3. When open space is required by a Use Specific Standard in Section 3.06, that required amount of open space supersedes the minimum open space requirement specified in the district where the use is located. However, the land area of the open space to be provided for the specific use may be included to determine compliance with the development's overall open space requirement for a development.~~
- ~~4. Open space that results from compliance with another Zoning Ordinance requirement may be included in the total minimum open space requirement.~~
- ~~5. Separate parcels or areas of less than 1,000 square feet may be included in the total open space provided but may not count toward meeting the minimum requirement.~~
- ~~6. Open space areas must be appropriately sized for the intended use.~~
- ~~7. There is no minimum or maximum size of a required open space area except the minimum amount required in Chapter 2, Zoning Districts and subsequently determined by the calculation specified in 5.04.B above.~~
- ~~8. All open space areas and facilities except those in private ownership must be accessible to all individuals, regardless of mobility capabilities or limitations.~~

~~B. **Limitations.**~~

- ~~1. Slope must not limit the intended use of the open space.~~
- ~~2. Any parking area landscaped island that is less than 130 square feet in area is not permitted to be counted toward the minimum required amount of open space or landscaped open space. However, they may be included in the total open space provided.~~
 - ~~a. Parking lot landscaped open space may not exceed 25% of the total of required open space provided.~~
- ~~3. No more than 25% of the total open space required may be established in the major or minor floodplain.~~
- ~~4. Areas containing 50% or more prime agricultural soil are not permitted to be designated as open space for recreation or community use.~~
- ~~5. Open Space must be contiguous to the development that it is provided for and must not be separated by roads or parcels of land not under the same ownership of the parcel that is developed.~~

~~5.04.06 Type-Specific Open Space Design Standards.~~

- ~~A. **Active Residential Recreation.** When open space is required by the district standards to be active residential recreation space it must conform to the following:~~
 - ~~1. Provided at the rate specified in the Zoning District standards.~~
 - ~~2. The residential active recreation open space must be identified, labeled, and protected for that specific purpose on the COSP required in 5.04.10.~~
 - ~~3. The recreational activities intended to be provided on the designated area should be indicated at the earliest stage of the development review, such as on the CDP. The activity must be identified and confirmed upon any site plan or subdivision plat that includes the designated space.~~
 - ~~4. The designated area must be centrally located and adjacent to a pedestrian and bicycle network. The network must be accessible and useable to all patrons regardless of mobility limitations.~~
 - ~~5. The designated area must be within a ¼ mile radius of each lot in a residential subdivision and each lot must be contiguous to a pedestrian or bicycle path to access said open space.~~
 - ~~6. If the development is of such size that the residential active open space cannot be located within ¼ mile of all lots then the open space must be provided in multiple locations in order to meet the proximity requirement.~~
 - ~~7. Must be flat and well drained to allow the intended use.~~
- ~~B. **Passive Recreation Space.** When open space is provided as passive recreation space, it should be designed using the following guidelines.~~
 - ~~1. Centrally located and accessible by a pedestrian and bicycle network.~~
 - ~~2. Contain a variety of natural features such as water bodies, forest, and open space.~~
 - ~~3. Should not have limiting factors, such as excessive amounts of steep slopes or wetlands that would prevent or discourage its use.~~
 - ~~4. Should not be located adjacent to any road other than a local road.~~
- ~~C. **Commercial or Employment Districts.** When open space is provided in commercial or employment districts it should conform to the following guidelines:~~
 - ~~1. The space should be centrally located and no further than ¼ mile from all buildings proposed in the district.~~
 - ~~2. If 1 centrally located area within a ¼ mile radius cannot be accomplished then multiple spaces should be provided.~~
 - ~~3. The space should provide a respite from work activities and allow for passive recreation.~~
 - ~~4. The space must provide accessories or furniture such as tables and seating for eating, trash receptacles, and shade.~~

5. Access to the area may be limited to the same hours of operation as the employment or commercial areas that the space is intended to serve.

D. **Public Outdoor Gathering Space.** When open space is required by the district to be a publicly accessible outdoor gathering any of the following may be provided according to the guidelines herein unless the zoning district requires a specific type or a greater standard. All of the following are considered to be public outdoor gathering space distinguished by size and purpose: greens, parks, squares and plazas,

1. **Green** — A green is intended as a place for formal, casual, passive, or impromptu social gathering and must have a minimum area of 5,000 square feet.

2. **Mini or Pocket Park** — A mini or pocket park is intended for active or passive recreation. The park must contain a predominance of natural features or recreation equipment for children or adults and accessories for spectators or passive users such as benches, shade trees, refuse receptacles and water fountains. The park must have a minimum area of 5,000 square feet.

3. **Square** — A square must serve as a focal point and place for social gathering that is improved with a combination of lawn, landscaping, and seating areas, and be accessible to the public or a specific project's tenants or customers. A square must be bounded by streets on at least one side and pedestrian walkways on at least 2 sides. A square requires a minimum depth and width of 30 feet and a minimum total area of 1,000 square feet.

4. **Plaza** — A plaza may also be referred to as a courtyard and is an open space usually surrounded by or adjacent to streets or buildings. A plaza must serve as a visual cue to an adjacent building entrance. A plaza must contain an open area with seating, planting areas, and other accessories. The majority of the land area may contain an impervious surface to support pedestrian activity but it is not required. A plaza requires a minimum depth and width of 10 feet and a minimum area of 300 square feet.

E. **Additional public outdoor gathering space standards** are as follows:

1. The grade or slope of any constructed surface in the public gathering space must be appropriate for the intended use and must be ADA compliant.

2. Accessories must be provided as appropriate for the intended use of the space and may include such items as benches, play equipment, bicycle racks, shade trees, waste receptacles, drinking fountains, gazebos, lighting, wayfinding signage, restrooms, landscaping and other convenience or comfort items or features.

3. The public gathering space must be accessible by and adjacent to a pedestrian/bicycle path or sidewalk.

4. The public gathering space must be adjacent to a public or private street on at least 1 side.

5. The public gathering space must be connected to adjacent buildings by sidewalks.

6. Where conditions allow, outdoor gathering spaces should be located where adjacent buildings or natural land features can provide a sense of enclosure on at least 2 sides while not restricting the penetration of light and air movement.

7. These design guidelines may be modified to accommodate natural environmental features or engineering requirements.

5.04.07 Trails

A. Trails designed for hikers (pedestrians), bikers, or equestrians for recreational purposes as described in the LPAT Plan are distinguished from pedestrian and bicycle networks intended as an alternative to motorized vehicles access for movement within a development. Trails must be designed to the following standards:

1. The network must avoid connections that encourage or allow public access to areas or pedestrian facilities that are intended to be only for the use of residents of the development or indicated as private.

2. Public and private trail networks must be accessible to and usable by all potential patrons by providing a surface treatment that allows use by all patrons regardless of mobility limitations.

- ~~a. Sections of the network that require steps or include grades that exceed the maximum grade for handicapped accessibility must provide an alternate route around the obstruction.~~
- ~~3. The trail must be provided in an easement that ensures its availability and use to all patrons at all times if it is not included within the boundary of a parcel owned and managed by an OA or dedicated to the County for public use.~~
- ~~4. The ownership and maintenance arrangements must provide mechanisms for repairs, surface maintenance, and replacement of trail accessories as needed.~~
- ~~5. The trail must provide accessories at reasonable intervals along its length such as benches, bike racks, trees for shade, and waste receptacles. The accessories must be included in the ownership and maintenance arrangements required above.~~
- ~~6. Access and use may be subject to reasonable limitations for use such as limited hours for public safety reasons.~~
- ~~7. The trail configuration may be adjusted as needed during development plan approval to accommodate the natural environment and engineering requirements if it can be determined that the intent and purpose of the trail will be achieved.~~

5.04.08 Uses in Open Space

~~A. Uses Generally.~~

- ~~1. Notwithstanding the uses listed as permitted or as special exceptions in Chapter 2 Zoning Districts where the open space area is located, only the following uses intended to support or facilitate the purpose of the designated type of open space are permitted in the open space.~~
 - ~~a. The OA may further limit the uses permitted in open space under its ownership or management.~~
 - ~~b. The OA must not permit uses in open space areas that are not permitted by the zoning district.~~
 - ~~c. Incidental or accessory uses provided for utilization of the open space, such as agricultural buildings not intended for public assembly, park furniture and other accessories, or recreation or playground equipment.~~
 - ~~d. Incidental structures required for the protection of sensitive environments, if included in open space, such as but not limited to fencing or required buffers are excluded from this limitation.~~

~~B. Common Open Space Permitted Uses.~~ Uses permitted on common open space under OA ownership and management are:

- ~~1. Active and passive recreational uses.~~
- ~~2. Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.~~
- ~~3. All of the following uses are subject to Use Specific Standards contained in Section 3.06.~~
- ~~4. Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses.~~
- ~~5. Uses permitted in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site, Use Category, as follows:~~
 - ~~a. Direct Market Business for sale of products produced on-site including but not limited to PYO (pick-your-own).~~
 - ~~b. Farm co-ops.~~
 - ~~c. Farm Market, on-site production.~~
 - ~~d. Pet Farm.~~
 - ~~e. Stable.~~
 - ~~f. Stable, Livery, with frontage on a state maintained road.~~

~~g. Wayside Stand.~~

~~h. Arboretum.~~

~~i. Botanical garden or Nature study area.~~

~~j. Nursery, Production, with frontage of a state maintained road.~~

~~6. Uses permitted in the Agriculture, Horticulture, and Animal Husbandry pursuant to 3.06.08.01.~~

~~C. **Common Open Space Special Exception Uses.** The following uses may be approved in common open space owned by an OA or by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 7.10.~~

~~D. Uses allowed in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On Site, Use Category, subject to the use specific standards of Section 3.06 as follows:~~

~~1. Stable, Livery, without frontage on a state maintained road.~~

~~2. Agricultural Processing.~~

~~3. Nursery, Production, without frontage of a state maintained road.~~

~~E. **Uses permitted on public open space:**~~

~~1. Active and passive recreational uses allowed in open space, as defined in Chapter 11.~~

~~2. Easements and improvements for drainage, communal sewer systems and septic systems, communal water supply systems, wells and other water supply systems.~~

~~3. Agriculture.~~

~~F. **Uses permitted on open space under private ownership** are listed below and must be protected by an easement providing limitations that support the purpose of open space and are also subject to the use specific standards of Section 3.06.~~

~~1. Uses on private open space must not result in land disturbance or impervious area of more than 10% of the total parcel area.~~

~~2. The growing of agricultural products, timber production and the pasturing of livestock are exempt from this limitation.~~

~~3. Uses permitted in the Agriculture, Horticulture, and Animal Husbandry Use Categories.~~

~~4. Direct Market Business for sale of products produced on-site including but not limited to PYO (pick your own).~~

~~5. Farm co-ops.~~

~~6. Farm Market, on-site production.~~

~~7. Pet Farm.~~

~~8. Stable, Private.~~

~~9. Stable, Livery, with frontage on a state maintained road.~~

~~10. Wayside Stand.~~

~~11. Tenant Dwelling, accessory to agriculture, horticulture or animal husbandry uses.~~

~~12. Uses permitted in the Agricultural Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity.~~

5.04.09 Comprehensive Open Space Plan.

~~A. Following approval of a Zoning Map Amendment and/or CDP that includes requirements for the provision of open space, all of the approved open space must be depicted in 1 drawing to be labeled as the Comprehensive Open Space Plan (COSP) and included in the final plan set.~~

- ~~1. The COSP must show all of the approved open space areas, parcels, trails, bicycle and pedestrian access network and the relationship of each to the approved development.~~
- ~~2. The type and size of each parcel or area of open space must be provided with a clear depiction of its boundaries with metes and bounds.~~
- ~~3. With each submission for approval of a new development plan for a portion of the approved development, an updated COSP must be included and demonstrate the following:~~
 - ~~a. The location, area, and method of protection for open space approved on earlier development plans;~~
 - ~~b. The location, area, and method of protection for open space remaining and to be provided in the future; and~~
 - ~~c. The COSP must show and describe all modifications to the originally approved open space including the method used to approve the modification and the date that it was approved.~~

~~5.04.10 Maintenance and Management of Open Space.~~

- ~~A. The Owner of the parcels where open space is provided is responsible for management and maintenance unless other arrangements are approved and documented.~~
- ~~B. Loudoun County is not responsible for the maintenance or replacement of any open space or improvements unless the open space area is dedicated and accepted through the appropriate process.~~
- ~~C. Routine maintenance is permitted according to an approved maintenance agreement. Open space must be maintained as appropriate for its designated use as specified in the approved rezoning CDP, Proffer Statement, or special exception conditions and the following:~~
 - ~~1. Routine maintenance of common open space is limited to the removal of dead, diseased, dying, invasive, or noxious plant material.~~
 - ~~2. Removal and replacement of dead landscaping and/or screening or buffering materials.~~
 - ~~3. Installation of supplemental or additional plant materials consistent with the intent of the open space.~~
 - ~~4. facilities, must be Lawn care and maintenance.~~
 - ~~5. Repair or replacement of equipment.~~
 - ~~6. Maintenance of any prepared surface, e.g., multi-use path or trail, sidewalk, playing field or court.~~

~~5.04.11 Ownership, Operation, and Management of Common Open Space and Common Facilities.~~

- ~~A. All common open space and common facilities must be preserved for their intended purpose as expressed in the Concept Development Plan (CDP). The developer must choose prior to approval of the first record plat or final site plan, 1 or a combination of the following methods of preserving, protecting, and administering common open space:~~
- ~~B. Public dedication to the County of the common open space, subject to acceptance by the Board of Supervisors.~~
- ~~C. Establishment of a nonprofit association, corporation, trust, or foundation of all owners of residential property within the planned development. Such organization must conform to the following requirements:~~
 - ~~1. The organization must be established prior to approval of the first record plat or site plan, whichever is first in time, in the proposed development. The documents establishing such organizations must be reviewed and approved by the County.~~
 - ~~2. Membership in the organization must be mandatory for all residential property owners, present or future, within the planned community and said organization must not discriminate against members or shareholders.~~

- ~~3. The organization must manage maintain, administer and operate all open space and improvements and other land not publicly or privately owned and must secure adequate liability insurance on the land and such improvements.~~
- ~~4. Sales brochures or other literature and documents provided by the seller of all lots must include information regarding membership requirements and responsibilities of such organizations.~~
- ~~5. Retention of ownership, control and maintenance of common open space and improvements by the developer.~~
- ~~D. All common open space not dedicated to the County must be subject to restrictive covenants running with the land restricting its use to that specified in the approved Concept Development Plan. Such restrictions must be for the benefit of and enforceable by all present or future residential property owners and the Board of Supervisors of Loudoun County.~~
- 4.9. All common open space, as well as public recreational facilities, must be specifically included in the development schedule and must be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

C. Calculation of Open Space.

1. The eligibility of land to be included towards meeting open space requirements is provided in Table 7.02-2.

Table 7.02-2. Open Space Eligibility		
Factor ¹	Type	Qualifying Characteristics
125%	NEHR	Must include all NEHR from site.
	Prime Soils	Within Transition Policy Area and Rural Policy Area Zoning Districts, to be protected by conservation easement; not used as community or active or passive recreation open space.
	Trees	Area determined by the County Urban Forester necessary to preserve heritage, specimen, or memorial trees
	Wildlife Habitat	Protective easements of wildlife habitat or corridors connecting fragmented habitat as verified by the Virginia Wildlife Action Plan of the Virginia Department of Wildlife Resources.
	Linear Parks and Trails	Linear parks and trail corridors identified by the County for non-motorized circulation. Does not include either sidewalks or shared use paths that are required along road rights-of-way.
100%	Trail Corridor	Land that connects to adjacent open space by way of public trails within a public access easement and constructed to County standards. Does not include either sidewalks or shared use paths that are required along road rights-of-way.
	Dedicated	Land that has been dedicated to the County as open space or recreation use, not including either sidewalks or shared use paths required within road rights-of-way.
	Conveyed	Open space conveyed with the approval of the Zoning Administrator to a nonprofit organization for maintenance and control.
	Active Recreation	Located central as practicable to proposed residences; and accessible to all residents by means of internal pedestrian walkways.
	Passive Recreation	Vegetated areas with minimum measurements of 50 feet; and not adjacent to roads other than local access roads.
	Community	Located central as practicable to development.
	Agricultural	Protected by conservation easement; protective covenant allowing for continued agricultural use; not used as active or passive recreation or community open space.
75%	Setbacks, Yards ²	Required setbacks or yards at least 20 feet wide. Cannot be located on single family residential lots.
	Buffers, Screening ²	Buffers or screening required by Section 7.05 at least 20 feet wide. Cannot be located on single family residential lots.
	Stormwater ²	Stormwater management facilities including open channels and detention or retention ponds.
	Utility Easement ²	Land that lies within a utility easement and is otherwise dedicated to recreation or open space.
50%	Off-site ²	Off-site permanent open space that creates a more useable, desirable, or environmentally significant open space located in the same planning subarea identified in the latest Capital Needs Assessment. Property must be dedicated to the County and approved with a Special Exception, see subsection E.

Table 7.02-2. Open Space Eligibility

Factor ¹	Type	Qualifying Characteristics
	<u>Dedicated for public use²</u>	<u>Land dedicated to the County for other public use, including Countywide Transportation Plan (CTP) roads.</u>
<u>0%</u>	<u>Dedicated for local roads²</u>	<u>Land included in or reserved for non-CTP roads.</u>
	<u>Parking</u>	<u>Land required for parking (except bicycles) or parking lot landscaping.</u>

¹Maximum eligibility pursuant to subsection C.1.
²Cannot be used to satisfy more than 50% of required open space.

2. Required Active Recreation Open Space. Development of 5 or more dwelling units must provide a portion of the open space as active recreation as follows:

- a. A minimum of 5,000 square feet, plus after the first 10 dwelling units (SFD dwelling units will be counted towards the 10 dwelling units before SFA or MF dwelling units):
 1. 200 square feet for each additional SFA or MF dwelling unit;
 2. 100 square feet for each additional SFD dwelling unit; and
 3. Active recreation areas can be used to satisfy required amounts of open space.
- b. Exemptions:
 1. Attainable housing units are not included in the calculation of subsection C.2.a.
 2. Active recreation is not required for development within TRC, TC, PD-MUB, R-1, JLMA-1, JLMA-2, JLMA-3, and Rural Policy Area Zoning Districts.
 3. In the PD-H Zoning District all, or a portion of, required active recreation may be located outside of residential land bays if such location creates more functional active recreation areas.

Sample Open Space Calculation.

Property Area: 10.3 acre (ac)
0.07 right-of-way to be dedicated
Zoning District: SN-4
Required Open Space: 30% x (10.3ac-0.07 ac) = 30% x 10.23 ac = 3.069 ac open space

Sample Active Recreation Calculation.

Dwelling Units: 24 SFD, 15 SFA
Required Active Recreation: 5,000 square feet (sf) + 100 sf x (24 SFD - first 10 SFD) + 200 sf x 15 SFA =
5,000 sf + 1,400 sf + 3,000 sf = 9,400 sf required active recreation space

Sample Open Space Credit Calculations.

<u>Open Space Type</u>	<u>Area</u>	<u>x</u>	<u>Factor</u>	<u>=</u>	<u>Credit</u>
<u>Active recreation</u>	<u>0.24 ac</u>	<u>x</u>	<u>100%</u>	<u>=</u>	<u>0.24 ac</u>
<u>Wetlands</u>	<u>0.38 ac</u>	<u>x</u>	<u>125%</u>	<u>=</u>	<u>0.475 ac</u>
<u>SWM facility</u>	<u>0.24 ac</u>	<u>x</u>	<u>75%</u>	<u>=</u>	<u>0.18 ac</u>
<u>Community area</u>	<u>0.46 ac</u>	<u>x</u>	<u>100%</u>	<u>=</u>	<u>0.46 ac</u>
<u>On-site public trail</u>	<u>0.62 ac</u>	<u>x</u>	<u>100%</u>	<u>=</u>	<u>0.62 ac</u>
<u>Off-site open space dedicated to County</u>	<u>2.1 ac</u>	<u>x</u>	<u>50%</u>	<u>=</u>	<u>1.05 ac</u>
<u>(maximum credit limited to 50% of required open space)</u>					
<u>Total</u>	<u>0.24 ac + 0.475 ac + 0.18 ac + 0.46 ac + 0.62 ac + 1.05 ac</u>				<u>= 3.025 ac</u>

D. Maintenance.

1. Maintenance of required open space is the responsibility of the owner of the parcel upon which such open space is located, to the extent such open space maintenance is not the responsibility of an Owners Association.
2. Required open space must be maintained as appropriate for its designated use as specified with accepted proffers or conditions of approval.
3. Diseased, invasive, and noxious plants must be removed from all required open space.
4. Maintenance of active and passive recreation and community open space includes:
 - a. Maintenance of all prepared surfaces, such as but not limited to:
 1. Shared-use paths and trails;
 2. Hardscape; and
 3. Sports courts and ballfields.
 - b. Repair or replacement of equipment installed within such open space areas.

~~E. **Lawn care and maintenance.** Provisions for establishment of a management organization must include provisions to ensure the continued preservation, management, and maintenance of the open space in the event the organization can no longer fulfill its obligations.~~

5.04.12. Modifications.

- ~~A. Only the Board of Supervisors may modify the requirements for open space in Section 5.04.~~
 - ~~c. Modifications of open space~~
 - ~~d. Installation of replacement annual and biennial plant materials.~~
 - ~~e. Removal and replacement of dead or dying vegetation installed to meet landscaping, buffer, and screening requirements and standards must be initiated through an application for a PD zoning district pursuant to the procedures and requirements of pursuant to Section 7.0905.~~
- E. Off-Site Open Space.** Off-site open space may be permitted to count towards required open space only by Special Exception pursuant to Section 11.10.01.

~~D.F. **Uses in Open Space.** Uses permitted in required open space are provided in the Use Tables of Section 3.02.~~