

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

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.
- Provide the open space appropriate to each Zoning District.
- Ensure light, air, and space in all new development.
- Preserve the County’s natural, environmental, and 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.

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

1. *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 by Zoning District is provided in Table 7.02-1.

Table 7.02-1. 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%	Passive Recreation, Community, and NEHR
Suburban Policy Area Zoning Districts		
SN-4, SN-6	30%	Active Recreation, Passive Recreation, Community, and NEHR
SCN-8, SCN-16, SCN-24	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 ¹	Active Recreation, Passive Recreation, Community, and NEHR
R-8	to maintain gross density of 1 lot per 6,000 sf ²	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% ³	Active Recreation, Passive Recreation, Community, and NEHR
PD-CC	20%	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

Table 7.02-1. Open Space Requirements by Zoning District		
Zoning District	Amount	Type
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	Passive Recreation, Community, and NEHR
CLI	10%	Passive Recreation, 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% ²	Active Recreation for residential uses, and Passive Recreation and NEHR for nonresidential uses
TR-2	50%	Active Recreation, Passive Recreation, NEHR, and Agricultural
Rural Policy Area Zoning Districts		
AR-1, AR-2	70% ¹	Passive Recreation, NEHR, and Agricultural
A-10	to maintain gross density of 1 SFD dwelling unit per 10 acres ^{1,4}	Passive Recreation, NEHR, and Agricultural
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 ⁴	Passive Recreation, Community, NEHR, and Agricultural
CR-4	no minimum	Passive Recreation, Community, NEHR, and Agricultural
RC	no minimum	Passive Recreation, Community, NEHR, and Agricultural
PD-RV	80% ⁴	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	Passive Recreation, Community, and NEHR
Countywide Zoning Districts		
OP, IP, GI	20%	Passive Recreation, Community, and NEHR
MR-HI	no minimum	Passive Recreation, Community, and NEHR
PUD	<i>To be determined at establishment of a PUD consistent with the Place Type</i>	
¹ Cluster 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. ² Traditional Design Option only. ³ Excluding land designated for road rights-of way, commercial, and industrial uses. ⁴ Must 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 following 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.
- 7. NEHR must remain undisturbed and undeveloped except as permitted by the Zoning Ordinance.
- 8. **Permanent Open Space Easement.** Required open space must be subject to a permanent open space easement acceptable to Board of Supervisors.
 - a. *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.
- 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.
75%	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.
	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.
50%	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.
	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.
	Dedicated for public use ²	Land dedicated to the County for other public use, including Countywide Transportation Plan (CTP) roads.

Table 7.02-2. Open Space Eligibility		
Factor ¹	Type	Qualifying Characteristics
0%	Dedicated for local roads ²	Land included in or reserved for non-CTP roads.
	Parking	Land required for parking (except bicycles) or parking lot landscaping.

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: $30\% \times (10.3ac - 0.07 ac) = 30\% \times 10.23 ac = 3.069 ac$ open space

Sample Active Recreation Calculation.

Dwelling Units: 24 SFD, 15 SFA

Required Active Recreation: $5,000 \text{ square feet (sf)} + 100 \text{ sf} \times (24 \text{ SFD} - \text{first } 10 \text{ SFD}) + 200 \text{ sf} \times 15 \text{ SFA} = 5,000 \text{ sf} + 1,400 \text{ sf} + 3,000 \text{ sf} = 9,400 \text{ sf}$ required active recreation space

Sample Open Space Credit Calculations.

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

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.
 - c. Lawn care and maintenance.
 - 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 pursuant to Section 7.05.

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.

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