



Comprehensive Plan/Zoning Ordinances Audit: Save Rural Loudoun

Provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations.

Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#). **Note:** In the “Issue Description/Recommendations” column below, **blue font** indicates recommended insertions into the ordinances and **redline-strikeout** font indicates recommended deletions. **Acronyms:** **RGP** = 2001 Revised General Plan, **CP** = 2019 Comprehensive Plan, **ZO** = 1993 Revised Zoning Ordinance, **LSDO** = Land Subdivision and Development Ordinance, **FSM** = Facilities Standards Manual

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Farming				
<p>Ch. 2. “Rural Economy. The County’s land development approach for the RPA is to limit residential development and that land will remain available for”</p> <p>Ch. 2. “Future of Rural Strategy. The strength of the agricultural sector, equine industry and the rural economy is a critical component of supporting the economic development and fiscal policy goals of the County.”</p> <p>RPA Strategy 1.1. “Support uses that protect, preserve, and enhance natural areas and open space, retain farmland and the vitality of the rural economy, and foster a high quality of rural life for residents.”</p>	<p>2-101 (Purpose and Intent of AR-1 District) “Support the use of land for rural economy uses, with residential uses allowed at densities consistent with the general open and rural character of the rural economy uses.”</p>			<p>ISSUE: Contrary to the County’s stated policy in the CP and in the ZO, cluster subdivisions do not, in practice, preserve land for farming or other “rural economy uses” (as defined in Article 8 of the ZO). Most “rural economy lots” are developed primarily for residential uses and not for “rural economy uses.” The septic drain fields of cluster lots are often placed in “open spaces,” making them unusable for farming or other rural economy uses. The ZO should be revised to ensure that land is preserved so that farming and other rural economy uses remain the primary use of the land.</p> <p>RECOMMENDATION #1:</p> <ul style="list-style-type: none"> The calculation of permitted density in cluster subdivisions should not be based on land that is unusable for farming and other rural economy uses. Revise 2-103(C)(1)(b) as follows: <p>Lot Yield. The maximum lot yield shall be 1 lot per for every 5 acres of farmland on the tract being subdivided.</p> <p>And delete 2-103(C)(2)(b):</p> <p>The lot yield of the cluster subdivision shall be calculated from the gross acreage for the tract of land from which the subdivision is created.</p> <p>RECOMMENDATION #2:</p> <ul style="list-style-type: none"> Insert specific regulatory protections for farmland into the rural cluster subdivision provisions of the ZO.
<p>Chapter 3. Introduction. “This chapter provides guidance for the protection of natural, environmental, and heritage</p>	<p>2-101(C)(3): “The Cluster Subdivision Option allows for the subdivision of a tract of</p>			

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resources in conjunction with the development and redevelopment of the County. These resources are important County assets and should be a primary consideration in the development of a site.	land with a more compact residential design plus one or more large lots suitable for rural economy uses and/or common open space.			<ul style="list-style-type: none"> Require that the area being conserved in a cluster subdivision consist of a single rural economy lot. Revise Section 2-103(C) as follows: “The Cluster Subdivision Option allows for the subdivision of a tract of land with a more compact residential design plus a single, large one or more large lots suitable for farming and other rural economy uses and/or common open space.”
Chapter 3, Strategy 3.2. “Preserve and protect prime farmland and agricultural soils , recognizing their importance to the overall economic health of the rural economy.”	Article 8 (Definition of “rural economy lot”: “The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use. ”			<p>And:</p> <ul style="list-style-type: none"> In Section 2-103(C)(2) of the ZO (“Characteristics of Cluster Subdivision Option”), insert the following subsections: “At least 80% of the available farmland on the tract being subdivided shall be located within the rural economy lot.” <p>And:</p> <ul style="list-style-type: none"> Insert the following definition of “farmland” in Article 8: “Farmland: The area of land within a rural tract being subdivided to create a cluster subdivision that does not consist of floodplains and steep slopes.” <p>RECOMMENDATION #3:</p> <ul style="list-style-type: none"> In Section 2-103(C)(2) of the ZO (“Characteristics of Cluster Subdivision Option”), insert the following subsections: “To maximize the suitability of the land for agriculture, the subdivision shall be designed so as to concentrate the largest possible contiguous areas of farmland within the rural economy lot.” <p>RECOMMENDATION #4:</p> <ul style="list-style-type: none"> In Section 2-103(C)(4)(e) (“Lot Standards for Rural Economy Lots”), revise sub-section (e) as follows: “Permitted Uses on Lots. All uses included in the definition of “rural economy uses” in Article 8 are permitted The uses allowed on lots are identified in Table 2-102, subject to the Additional Regulations for Specific Uses in Section 5-600. As indicated in Article 8, residential uses are permitted as a secondary use in association with a planned or ongoing rural economy use.” <p>RECOMMENDATION #5:</p>

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				<ul style="list-style-type: none"> Revise Section 2-103(C)(9)(b)(i) as follows: “Individual sewage disposal systems, located on the lot served or in Common Open Space. A maximum of seventy percent (70%) of the lots may have primary and/or reserve septic fields within common open space. The record plat shall identify the location of all septic fields and shall assign them to lots, or ...” <p>Note: Article 8 of the ZO defines “Sewage Disposal System, Individual” as: “A complete system for the collection, treatment and/or disposal of sewage, located on the lot served.”</p> <p>RECOMMENDATION #6:</p> <ul style="list-style-type: none"> In Article 8 of the ZO (“Definitions”), include the following definitions: “Agriculture/Farming: The active and ongoing cultivation or use of land for commercial production of primary plant- or animal-based productsUses characterized by general active and on-going agricultural activities, including agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses. Agriculture does not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products. Agriculture/farming does not include preparatory functions such as grading or creation of planting beds through stockpiling of dirt or other means when such preparations do not result in an active and on-going agricultural activity within 30 days. Accessory uses may include offices, storage areas and repair facilities necessary for commercially-viable agricultural production related to agriculture uses.” <p>“Rural Economy Lots: A type of lot located within an AR-1 or AR-2 District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted as a secondary use in association with a planned or ongoing rural economy use.”</p>

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				<p>“Rural Economy Uses: Commercial activities that are integral to farming, agritourism, and other foundations of the rural economy, as listed in Tables 2-102 and 2-202 under the categories: Agricultural Uses; Agricultural Support and Services Directly Related to Ongoing Agriculture, Horticulture, and Animal Husbandry, On-Site; Agricultural Support and Services Not Directly Associated With On-Site Agricultural Activity; Animal Services; Group Living; Day Care Facilities; Park and Open Space; Conference and Training Centers; Food and Beverage; Recreation and Entertainment; Retail Sales and Service; Visitor Accommodation; and Telecommunications Use and/or Structure. An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area’s rural atmosphere.”</p> <p>It is critical to ensure that all the permitted rural economy uses listed in Tables 2-102 and 2-202 are clearly defined so as to be legally enforceable.</p>

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Ch. 2. RPA. Action 3.7.A "Maintain zoning regulations and design standards that protect the right to farm. "	2-105 (Recognizing the Right to Farm) "Record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.2-300 et seq.)."			<p>ISSUE: HOA covenants in cluster subdivisions frequently restrict various types of farming (including uses that are permitted by right in the Zoning Ordinance). Placement of septic systems on open spaces makes them unsuitable for farming.</p> <p>RECOMMENDATION: In Section 2-104 (Homeowners' Associations and Responsibilities), insert the following sub-section: "Homeowners' Association covenants shall not restrict the right to farm on the subdivision's rural economy lot. For these purposes, "to farm" means to operate a commercial "agriculture/farming" business, as defined in Section 8.</p>
Cluster Subdivision Design				
"Protection of the RPA helps to ensure the preservation of farmland, natural, environmental, and heritage resources, open space, and vistas that are vital aspects of Loudoun's identity."	5-702 Rural Hamlet Option. (A) Purpose and Intent ... Such clustered development is intended to better harmonize rural development with surrounding agricultural activities recognizing that it is the County's primary goal to preserve and enhance farming and farmland in rural Loudoun ... This option is intended to conserve agricultural, forestal and open space land, historic and natural features ... clustered development is intended to permit the compact grouping of homes located so as to blend with the existing landscape , such as the rise			<p>ISSUE: The cluster subdivision provisions of the ordinances do not include design standards requiring the preservation of vistas and viewsheds, the incorporation of natural features, or harmonization with the traditional pattern of development. In practice, monotonous cluster streetscapes are sited in a way that severely disrupts the rural landscape. Appropriate design standards are included in Section 5-702 of the ZO in relation to Rural Hamlets in the A-3 and A-10 districts, but do not apply to cluster subdivisions in the AR-1 and AR-2 districts, where most future development will occur.</p> <p>RECOMMENDATION #1. In Section 2-103(C)(3) Lot Standards for Residential Cluster Lots, add the following sub-section: Residential clusters shall be designed in accordance with the Rural Hamlet place type, with residential dwellings clustered around a common open space Green.</p>
"It is imperative that buildings and structures are treated as objects in the rural landscape and given due attention to their location and form to ensure they blend with the topography, protect viewsheds, and contribute to the traditional pattern of development in the RPA. "				<p>RECOMMENDATION #2 In Section 2-103(C)(3) Lot Standards for Residential Cluster Lots, add the following sub-section:</p>

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<p>QD Policy 7. "Ensure high quality development where the natural and built environment contribute to an area's "sense of place."</p> <p>TPA Policy 1: "Ensure that the Transition Policy Area retains the visual character established by extensive natural open space by using compact development concepts with substantial open space requirements, and low profile construction to minimize visual intrusion into the natural environment."</p>	<p>and fall of the topography, hedgerows and wooded areas, and to preserve to a greater extent the agricultural, forestal and visual character of the landscape.</p>			<p>The external architectural design of residential structures shall emulate the architectural styles of 18th and 19th century Northern Virginia.</p>
<p>"Action 2.1.A. Evaluate and revise zoning regulations and design standards to improve the design of subdivisions and clustered residential development by incorporating natural features and buffering from roadways and scenic byways."</p> <p>"Locate buildings and structures to blend with the existing topography and natural features."</p>	<p>5-702(H)(3) "Maximum Hamlet Building Area Depth. The outside boundaries of the building areas of hamlet lots facing one another across a street shall not exceed 300 feet. The outside boundaries of the building areas of hamlet lots facing one another across a hamlet green/square shall not exceed 550 feet."</p>			<p>RECOMMENDATION #3 In Section 2-103(C)(3) Lot Standards for Residential Cluster Lots, insert the following: "The outside boundaries of the building areas of residential cluster lots facing one another across a hamlet green/square shall not exceed 550 feet."</p>
	<p>5-702(M)(1) "Siting. Rural hamlets should be sited so as to nestle, or blend in a subordinate way, into the existing landscape. Rural hamlets should not be placed on the crest of a ridge but rather should be located in a dip or</p>			<p>RECOMMENDATION #4 In Section 2-103(C)(2) of the ZO ("Characteristics of Cluster Subdivision Option"), insert the following subsections: "The highest point of no residential structure will be higher than the highest point of land or of tree canopy on the property. If tree canopy is used to identify the highest point on the property, the canopy identified as the highest point shall be within a contiguous area of woodland of no less than one acre."</p>

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	depression or on the side of a hill.”			
	5-702(M)(3) “Ground Modeling and Screening. In those circumstances where natural contours, subsurface conditions and tract boundaries prevent discreet hamlet placement, hamlet designers should seek to reduce the development's apparent presence by locating earth berms near adjacent roadways and/or planting screens of trees adjacent to existing roads and tract boundaries.”			<p>RECOMMENDATION #5 In Section 2-103(C)(2) of the ZO (“Characteristics of Cluster Subdivision Option”), insert the following subsection:</p> <p>Screening. Residential clusters shall be designed to use natural contours, tree cover, hedgerows and other existing landscape features to reduce to the maximum extent possible the development’s apparent presence and impact on surrounding vistas and viewsheds. On tracts where existing landscape features do not provide adequate screening, screens of evergreen trees shall be planted along the relevant tract boundaries.</p>
	5-702(M)(2) “Landscaping. ... existing stands of trees and hedgerows should be incorporated in the new hamlets whenever possible. New plantings of evergreen and deciduous trees should be native to the northern Piedmont”			<p>RECOMMENDATION #6 In Section 2-103(C)(2) of the ZO (“Characteristics of Cluster Subdivision Option”), insert the following subsection:</p> <p>Landscaping. Existing stands of trees and hedgerows shall be incorporated into the design of the cluster subdivision. Existing tree cover and hedgerows shall not be reduced by more than 20% unless specifically permitted in advance by the Board of Supervisors (see 5-702(L)), upon recommendation of the Planning Commission, based upon a finding that such reduction is necessary to preserve farmland or environmentally sensitive areas.”</p>

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	<p>2-103(C)(2)(i) "Variation of Lot Sizes: In all new residential subdivisions containing seven (7) or more lots, a mixture of lot sizes and dimensions shall be provided in order for a variety of housing opportunities and avoid monotonous streetscapes. No more than 25 percent of all lots shall be similar in total area. For purposes of this subsection, "similar" lot areas shall be defined as within 1,500 square feet of each other.</p>			<p>ISSUE: The current cluster zoning provisions do not adequately prevent monotonous streetscapes in cluster subdivisions. Under those provisions, a variation of 3.5% of the area of residential lots averaging one acre is considered to be "dissimilar" (i.e., not monotonous).</p> <p>RECOMMENDATION: In addition to applying design standards for "Rural Hamlets" described above, insert the following in section 2-103(C)(3) Lot Standards for Residential Cluster Lots:</p> <p>"Variation of Lot Sizes: In all new residential subdivisions containing seven (7) or more lots, a mixture of lot sizes and dimensions shall be provided in order for a variety of housing opportunities and avoid monotonous streetscapes. No more than 25 percent of all lots shall be similar in total area. For purposes of this subsection, "similar" lot areas shall be defined as within 1,500 square feet 20 percent of each other.</p>
Conservation Easements				
<p>Ch. 3. NEHR Action 1.1.G. "Retain conservation easements as a tool to protect open space areas in subdivisions and to ensure long-term maintenance and protection of the area. Such easements will be recorded as part of the subdivision process and include public access where appropriate."</p>	<p>5-702(C)(1) (Rural Hamlets) "All land not designated as building area, private access easements, and road rights-of-way shall be placed in a permanent open space easement."</p>			<p>ISSUE: The ordinances currently do not have any provisions relating to conservation easements.</p> <p>RECOMMENDATIONS: In Section 2-103(C)(4) ("Lot Standards for Rural Economy Lots"), add the following sub-section:</p> <p style="color: blue;">"All rural economy lots shall be placed under permanent conservation easement under the stewardship of a recognized land conservation management organization."</p> <p>In Article 8, add the following definition:</p> <p style="color: blue;">"Land Conservation Organization, Recognized: A public or private organization with the mission and the demonstrated capacity to monitor compliance with the terms of conservation easements, as recognized by the Department of Planning and Zoning."</p>